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Judge, Jimmie, xxx-xx-xxxx
Keith, Earl H., xxx-xx-xxxx
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Klein, Wilbert G., xxx-xx-xxxx
Knutson, Oliver R., xxx-xx-xxxx
Kopp, Thomas E., xxx-xx-xxxx
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Lewis, Dean R., xxx-xx-xxxx
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Lindsay, Rodney C., xxx-xx-xxxx
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Pixley, Morris H., Jr., xxx-xx-xxxx
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Stilson, Robert C., xxx-xx-xxxx
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Taylor, Robert D., xxx-xx-xxxx
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Thompson, Robert F., xxx-xx-xxxx
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Worden, Richard E., xxx-xx-xxxx
Worth, Stephen G., Jr., xxx-xx-xxxx
Youd, Leon E., xxx-xx-xxxx
Zavadil, Milton, Jr., xxx-xx-xxxx

CHAPLAIN

To be lieutenant colonel

Dahlstrom, Myron L., xxx-xx-xxxx

ARMY NURSE CORPS

To be lieutenant colonel

Ward, Doris R., xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

Hebert, Peter W., xxx-xx-xxxx
Howard, Don G., xxx-xx-xxxx
Rodriguez, Rene F., xxx-xx-xxxx
Tesdall, Donald J., xxx-xx-xxxx
Wyman, Stephen M., xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be lieutenant colonel

Henry, John C., xxx-xx-xxxx

CONFIRMATION

Executive nomination confirmed by the Senate January 31, 1977:

DEPARTMENT OF DEFENSE

Charles William Duncan, Jr., of Texas, to be a Deputy Secretary of Defense.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSIONS OF REMARKS

ANIMAL PROTECTION LEGISLATION

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. LEHMAN. Mr. Speaker, this year many animals and birds, including many domestic and almost extinct animals, will needlessly suffer and be cruelly slaughtered unless legislation is enacted to protect them. I have recently introduced three pieces of legislation to improve the welfare of animals.

I believe that the first step that must be taken is to carefully evaluate the effectiveness of our existing laws governing the treatment of animals. I therefore introduced a bill, H.R. 462, to establish a Commission on the Humane Treatment of Animals. This Commission, composed of individuals knowledgeable in and concerned with animal welfare, will study the treatment of animals for a 2-year period and then issue a final report containing its findings and recommendations for legislation.

There are, of course, situations in which animal trapping is necessary. However, despite the availability of effective devices which can immediately and painlessly trap animals, the use of the steeljaw leghold traps continues.

I have introduced legislation to discourage the use of painful devices and to promote humane trapping. This bill, H.R. 471, would require the Secretary of the Interior, with the aid of a seven-person commission established by the bill, to set criteria for designating those traps that would either painlessly capture or instantaneously kill. This legislation would also stop the interstate commerce and the use on Federal lands of unapproved traps, as well as halt the interstate commerce of animals and products from animals not captured with approved traps. The Secretary of the Interior would be authorized to offer financial assistance to assist in the compliance with these provisions, and fines would be imposed as part of enforcement efforts.

The State of Florida has already banned the use of the steeljaw leghold traps, and I believe that we should now make "humane trapping" a national policy.

Our great whales are being slaughtered to the point of extinction, although there are cheap and plentiful substitutes for whale products. My resolution, House Joint Resolution 79, to place an immediate embargo on the products of all foreign enterprises engaged in commercial whaling, would probably force the Japanese to halt whaling. The three companies engaged in whaling export more than $100 million worth of fishery products, such as tuna, salmon, mackerel, sardines, clams, and crabs to the United States. The importation of Russian caviar would also be affected, thus giving the Soviet Union substantive evidence of our commitment to end this slaughter.

The protection of the great whales is in the interest of all mankind, and I do not believe that the United States can refrain any longer from imposing strong measures to insure their safety.

I look forward to the early passage of these bills to guarantee the humane treatment of animals.

TOOTS SHOR

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. MURPHY of New York. Mr. Speaker, it is always sad to lose a great American, but it is even sadder for those of us who knew this man to lose one of New York City's major institutions: Toots Shor. Beyond being what any man is supposed to be: Patriotic, kind, generous, and devoted to his family; he was also what many men can never be—a true friend. Sometimes his manner was brusque, but it was never to be unkind. He was not capable of hate, only of a unique understanding of his fellow man.

The stories of his life, his friends, his manner of living are legion. He knew everyone, and everyone knew—and loved—him. He was equally at ease with the great, and near-great, and the everyday person who simply needed a friend.

His family will surely feel the loss more greatly than any of us, for they had the honor and pleasure of his company each day of their lives. May we each bear some of the grief for them, for theirs is an irreplaceable loss of the companionship of a great man. I for one am proud to have been called "friend" by him.

Mr. Speaker, there are many in this country who never had the pleasure of meeting Toots Shor. His obituary and eulogy as printed in the New York Times are offered as part of my remarks, so that all might know the kind of man he was:

FIVE-HUNDRED ATTEND SERVICE FOR TOOTS SHOR

(By Joseph Durso)

Bernard (Toots) Shor, who died Sunday night at the age of 73, was eulogized yesterday at Temple Emanu-El as "the world's greatest saloonkeeper" who also was a "warm, generous and religious man."

The funeral for the long-time restaurant owner and host was attended by 500 persons from around the nation, including many celebrities from sports and entertainment. The one-hour service was led by the chief rabbi of the temple, Ronald B. Sobel; a special prayer was offered by Msgr. William J. McCormack, a friend of the family, and the eulogy was delivered by Paul R. Screvane, former president of the City Council and now president of the Offtrack Betting Corporation.

Among the mourners were four past or present sports commissioners: Pete Rozelle from football, Bowie Kuhn from baseball and Lawrence F. O'Brien and Walter Kennedy from basketball. Also at the service were Walter Cronkite, Joe Garagiola, Howard Cosell, Mel Allen, William Shea, Gabe Paul, Wellington Mara, Horace Stoneham, Lee MacPhail, Charles Feeney and a large group of one-time athletes that included Frank Gifford, Charley Conerly, Kyle Rote, Monte Irvin, Ralph Kiner, Dominic DiMaggio, Eddie Arcaro, Billy Conn and Alex Webster.

"A city is most authentically reflected in its people," Rabbi Sobel told the gathering. "In a very unique manner, Toots Shor for several decades was the mirror of a special excitement and quality that set New York apart from all other cities. He was a magnet around which flowed many of the special streams of New York's greatness. He was, in his life, a legend among legends."

"If saints are people who are profoundly aware of God's influence in their lives," Monsignor McCormack said after following the rabbi to the pulpit, "then I suggest to you that Toots Shor was a great man and a good man."

In the eulogy Mr. Screvane recalled that Mr. Shor had "become involved in an unprecedented era of American history" starting in the 1920's and said:

"The thread of his odd life stitched together the people who made much of the history and mood. He must be the only man who was as close to the mob lords Longy Zwillman, big Frenchy and Owney Madden as he was to Cardinal Spellman, Robert Sherwood and President Truman. His personality, outgoing and often as erratic as a rocket, bridged the sociological gaps that yawned between Babe Ruth and Paul Draper, Frank Costello and Edward R. Murrow, Texas Guinan and the nuns at Marymount, where his three daughters were educated.

"He was equally at ease with Sir Alexander Fleming, the discoverer of penicillin, and Casey Stengel, the inventor of the new syntax. He served as catalyst between two distinguished Americans, Yogi Berra and Chief Justice Earl Warren."

Mr. Screvane then sketched Mr. Shor's image in a series of brush strokes. He remembered him as "the coiner of words that enriched our vocabularies, him as "the catalyst for putting together important business or political deals" and as "a father confessor who listened to our troubles."

"Rambunctious, loud, sometimes even rude to people who didn't know him well," Mr. Screvane said, "the real man was generous, warm-hearted, deeply religious and possessed of a loyalty and devotion to family and friends so fierce it seemed at times almost maniacal. Dubbed correctly as 'the world's greatest saloonkeeper,' there was only one of him, and not likely to be another in this time or probably ever."

After the service, Mr. Shor was buried in Ferncliff Cemetery in Hartsdale, N.Y.

MEMORIAL TO JAMES C. AUCHINCLOSS LATE A FORMER REPRESENTATIVE FROM NEW JERSEY

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. HOWARD. Mr. Speaker, when James C. Auchincloss retired from the House of Representatives after 22 years in Congress, his colleagues honored him as a Congressman highly responsive to the needs of his constituents. As my distinguished predecessor to this body from the Third District of New Jersey, Congressman Auchincloss set an example for those of us who came in as new Members in 1965.

On October 2, 1976, at the age of 91, Mr. Auchincloss passed away in Alexandria, Va. He is survived by his wife and two sons, nine grandchildren and nine great grandchildren. Because the House adjourned for the year on October 1, I was unable to pay tribute to him at that time in the RECORD.

To this day, Congress acts on transportation and water resources bills that were landmark legislation of the Public Works Committee in the fifties and early sixties. Mr. Auchincloss served long and ably on that committee and played a key role in many pieces of vital public works legislation.

Mr. Auchincloss was mayor of Rumson, N.J., when Monmouth Republicans persuaded him to run for Congress against veteran Democrat William H. Sutphin. As he recalled later, he was picked as a "sacrificial lamb," but won with a surprising margin.

His old-fashioned, straight-laced views on honesty and ethics occasionally led him to blast members of his own party. In a speech in Ocean Township, N.J., in 1954, Mr. Auchincloss assailed the investigatory tactics of Senator Joseph R. McCarthy, who was probing employees at Fort Monmouth in Eatontown, N.J. "No one has a corner on fighting communism—we are all against it," he said.

On another occasion, he called on Secretary of Defense Charles E. Wilson to resign, declaring in a telegram, "You have outlived your usefulness." His anger had been aroused by Wilson's comments about the unemployed.

As Mr. Auchincloss approached his 80th year, he announced on January 23, 1964, that he would not seek reelection.

After his retirement, Mr. Auchincloss spent considerable time working to finish a $3 million complex for the Capitol Hill Club, a Republican social and civic organization he founded in 1949. The building was dedicated in 1971 as the Dwight D. Eisenhower Center.

He was also president of the Capitol Hill Foundation, a nonprofit, nonpartisan organization offering scholarships for government studies.

I offer my deepest sympathy to Mrs. Auchincloss and the other members of the family on behalf of myself and my colleagues in the House of Representatives.

MRS. JEAN FASSLER

HON. LEO J. RYAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. RYAN. Mr. Speaker, I rise at this time to tell the Members of this distinguished body of a distinguished individual from the State of California; a highly respected public official in San Mateo County for 20 years; and a personal friend of mine for whom I hold in the highest esteem—Mrs. Jean Fassler. It is with a degree of sadness and reluctance that I inform you of her retirement from the San Mateo County Board of Supervisors after 12 years of dedicated service.

Before women were commonly associated with holding public office, Jean had received high acclaim for her efforts in spearheading the organization to incorporate the city of Pacifica in San Mateo County and served as Pacifica's first mayor. Having gained a reputation as an effective leader she was appointed a supervisor of San Mateo County in 1965. Jean has been honored as chairman of the board in 1967, 1970, and 1974, the first woman in San Mateo County history to serve in this distinguished position.

Supervisor Fassler has always been 10 years ahead of the general populace advocating environmental protection and coastline preservation long before they were popular and accepted interests.

Jean has been a personal friend of mine for almost 30 years and I know of few whom I respect more. Her personal and professional integrity, unselfish dedication to public service, warmth and charm are unmatched in San Mateo County.

I speak for the residents of San Mateo County and myself when I say that we Americans are losing a great official with the retirement of Supervisor Fassler. I only hope Jean will continue to bless us with her great work and stand as a symbol for all of us to emulate as she pursues new activities in her private life. I know I speak for all the Members of the House in wishing Jean and her husband, Joe Fassler much happiness and fulfillment in the years to come.

WORLD WILDLIFE FUND FOURTH INTERNATIONAL CONGRESS

HON. JOSEPH L. FISHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. FISHER. Mr. Speaker, during the World Wildlife Fund Fourth International Congress, held in San Francisco November 29–December 1, 1976, a number of resolutions dealing with wildlife resources throughout the world were adopted.

Today I am inserting into the RECORD 10 of the resolutions adopted at the meeting. I will introduce the remaining resolutions into the RECORD during the coming week.

While I do not necessarily endorse every position taken by the World Wildlife Fund, I did want to bring the resolutions to the attention of my colleagues.

FOURTH INTERNATIONAL CONGRESS OF THE WORLD WILDLIFE FUND DRAFT CONGRESS RESOLUTONS

Resolution 11. Protection to Natural Areas in Australia:

Being aware that the Australian continent is endowed with a very rich and largely endemic fauna and flora;

Noting that these unique animals and plants are found in ecosystems many of which have high scenic values;

Appreciating the efforts made by the Commonwealth Government and the State Governments of Australia in instituting a system of national parks and reserves to protect samples of these ecosystems;

The Fourth International Congress of the World Wildlife Fund, meeting in San Francisco, U.S.A., from 29 November to 1 December 1976:

Urges the Commonwealth Government and the State Governments of Australia to extend their systems of national parks and reserves to cover a greater range of the diverse ecosystems throughout the continent of Australia and in particular to protect areas such as the Kakadu area in the Northern Territory, and further Rainforest communities in Queensland New South Wales and Victoria, and Karri forests in West Australia, the rich and unique wilderness of South-West Tasmania, the unique Fraser Island off North-West Australia.

Resolution 12. Rain-Forest Conservation in Papua New Guinea;

Recognizing the substantial progress achieved by the Government of Papua New Guinea in promoting environmental conservation and species preservation, by the application of sound ecological principles and the integration of traditional harvesting practices in modern national development schemes;

Being informed that the Government of Papua New Guinea is considering the establishment of integrated forest industries in the Vanimo area, covering 200,000 hectares, and subsequently in other regions, the total of forests suitable for large-scale timber industries being two million hectares;

Aware that the tropical rain-forests of the island of New Guinea are very rich in plant species and harbours an equally rich fauna, the ecosystem also providing the traditional subsistence for the local people;

Noting the efforts undertaken by the Government to purchase timber rights from the traditional land owners;

The Fourth International Congress of the World Wildlife Fund, meeting in San Francisco, U.S.A., from 29 November to 1 December 1976:

Calls on the Government of Papua New Guinea to undertake adequate administrative efforts and negotiations with traditional land owners to safeguard a representative section of lowland rain forest by the establishment of at least one protected national park covering a minimum of 100,000 hectares, and to create additional parks and reserves in order to cover representative sections of the other important ecosystems of the country.

Resolution 14. Action to save the California Condor:

Recognizing that the California condor, one of the most spectacular birds of the United States of America, is now reduced to probably not more than forty individuals and is failing to produce sufficient young to maintain even this population level;

Aware of the world concern about the condor as an international resource;

The Fourth International Congress of the World Wildlife Fund meeting in San Francisco, U.S.A., from 29 November to 1 December 1976:

Urges the United States Forest Service, the United States Fish and Wildlife Service the California Department of Fish and Game, the United States Bureau of Land Management and concerned private agencies to continue with increased vigour all activities set forth in the California Condor Recovery Plan, notably habitat protection, provision of adequate food supply and protection nesting sites, as well as the construction of artificial nesting sites, to deny permits for phosphate mining or any other activity within the Condor Sanctuary, which could have a negative impact on the population, to start a captive breeding program after careful study with the object of adding the offspring to the wild population.

Resolution 15. National Parks and other protected areas in Amazonia:

Being informed that protection of Amazonian habitat is not yet ensured by a comprehensive system of National Parks and equivalent reserves;

Noting that the rate of modification and destruction of the Amazonian ecosystems is such that up to the present, the genetic diversity is not safeguarded;

Appreciating the work and initiative of the Intergovernmental Technical Group for the Conservation of the Amazonian Flora and Fauna legally established between Bolivia, Brasil, Colombia, Ecuador, Peru and Venezuela;

The Fourth International Congress of the World Wildlife Fund, meeting in San Francisco, U.S.A. from 29 November to 1 December 1976;

Urges the Governments of the Amazonian countries to safeguard viable representative samples of their ecosystems and to assign the necessary administrative and financial resources to manage these accordingly;

Appeals to all timber, oil and mineral exploitation companies operating in the Amazonian region to eliminate any pressure to violate the integrity of the existing national parks and reserves and to avoid the destruction of areas identified as unique and necessary for the planning of a comprehensive system of conservation areas in this region;

Appeals to the Governments of the Amazon basin and particularly Brasil to encourage international governmental organizations as well as non governmental groups in joining efforts with national organizations in establishing the requested system of national parks and reserves.

Resolution 15a. Ecological Development of the Tropical Rain Forest in the Amazon Basin:

Being informed about the continuous and increasing rate of destruction of Amazonian habitat;

Aware of the generally low agronomic potential of the land and the absence of an ecological sustainable policy of development;

Recognizing that the countries of the Amazon basin need to use the area productively;

Recognizing the valuable efforts undertaken in relation to wise use by certain Amazonian Governments, notably Peru and Venezuela, the latter having declared a full moratorium on exploitation schemes in all its territories south of the Orinoco, until better scientific understanding is achieved;

The Fourth International Congress of the World Wildlife Fund, meeting in San Francisco, U.S.A., from 29 November to 1 December 1976:

Urges the Governments of the Amazonian countries to set forth clearly their future policies and to implement them concerning the development of this region on an ecological basis, integrating harmoniously agriculture, animal husbandry, forestry, wildlife and fisheries management, oil and mineral exploitation, tourism and recreation in such a way as to make an optimal use of the natural renewable resources;

Appeals to industrialized countries to join efforts with the Amazonian countries to realise sound ecological objectives by providing funds and technical assistance and to refrain from undertaking steps in conflict with this approach.

Resolution 16. Depletion of Porpoise Stocks in the Eastern Tropical Pacific by the International Purse Seine Fleet:

Whereas the international purse seine fleet setting their nets around porpoise (dolphin) in the Eastern Tropical Pacific to catch yellowfin tuna have killed five to seven million porpoise since 1958;

Whereas at the October 1976 Nicaragua meeting of the Inter-American Tropical Tuna Commission, it was voted by both the Commission and the subsequent intergovernmental meeting that all nations participating in this fishery have a responsibility to work internationally through the Commission to solve the problem of the incidental kill of porpoise;

Whereas the IATTC will hold a special meeting prior to June 1, 1977 to address a specific plan to solve the problem;

The Fourth International Congress of the World Wildlife Fund, meeting in San Francisco, U.S.A., from 29 November to 1 December 1976:

Commends the member Governments of the IATTC for their action and urges them to press forward vigorously through the IATTC to achieve new techniques and fishing gear that will immediately reduce the tragic kill of porpoise and ultimately permit tuna to be caught without placing nets around porpoise, and that all nations that use purse seines should enact legislation equivalent to the United States Marine Mammal Protection Act which sets a goal approaching zero mortality and zero injury rate for porpoise;

Further encourages the United States Government fully to enforce the Marine Mammal Protection Act and urges the Congress of the United States to maintain the integrity of the Act and resist all attempts to weaken it.

Resolution 17. Conservation of Whales:

Recalling that in its Resolutions, the 3rd International Congress of the WWF renewed the call for a 10-year moratorium on commercial hunting of whales;

Being aware that the International Whaling Commission (IWC) has now adopted a new policy for the regulation of whaling which has already led to protection, or reduction of catches from some of the stocks of whales previously threatened by continued excessive hunting;

Noting, however, that substantial whaling continues under flags of nations not members of the IWC, involving nationals of some member nations, and that the IWC has made no progress in recent years in securing the adhesion of more whaling nations to the Commission;

Noting that loopholes in the IWC Convention have been repeatedly used to prolong the existence of an industry which is dying as a result of its own excesses, that arrangements be continued for independent monitoring of the scientific advice offered to the IWC, through the activation of the Interim Committee on Marine Mammals of IUCN;

Being informed that under IWC rules members are permitted to authorize without limit and without presentation of justification catches for scientific purposes, and that already one member (Japan) has issued a permit for the taking and commercial processing of a large number of Bryde's whales, probably exceeding the maximum yield that the stock in question could sustain; from a stock for which the Commission itself has established a zero quota;

Not being convinced that the present quotas are sufficiently supported by scientific knowledge, nor that the 10% margin at present applied is at all adequate to cover the great uncertainty in present scientific assessments;

Being aware that serious doubts have been raised by scientists as to the validity of current estimates used by the Commission of the sustainable yields from sei whales and sperm whales in the Southern hemisphere;

Concerned that the imminent expansion of krill fishing in the Southern Ocean could quickly lead to a situation in which the recovery of even protected stocks of baleen whales would be slower and less complete than previously expected;

Believing it to be essential that future generations of mankind be left options concerning the ways and the degree to which whales may be utilized in the long term;

Reaffirming its call for an immediate moratorium on commercial whaling;

Supporting proposals for the launching of a comprehensive program of research on whales, with particular attention to studies of live whales, oriented to provide the necessary information for conservation and management for objectives much wider than the present objectives of the IWC;

The Fourth International Congress of the World Wildlife Fund, meeting in San Francisco, U.S.A., from 29 November to 1 December 1976:

Urges UNEP, FAO and the UN bodies concerned and IUNC to give substantial support for implementation of the research activities referred to above and to initiate a study of the future intergovernmental arrangements required for the regulation of human activities which affect whale population and their habitats, having in mind changes in the Law of the Sea and in world public opinion concerning the conservation of whales;

Supports the proposals of the FAO/UNEP Scientific Consultation held in Bergen, Norway, in September 1976;

Calls on all nations and the IWC to agree to an immediate moratorium.

Resolution 18. Protection of the Harp Seal:

Being aware of the conflicting population data on which the annual harvest of the Labrador Front Harp seal herds are based;

Recognizing the necessity of being conservative in the exploitation of a threatened species;

Noting the recent studies by scientists from the University of Guelph, Ontario, Canada, have shown that the Labrador Front Harp seal herds are in danger if the annual seal hunt continues;

Noting that in 1976 the quota was set at one hundred and twenty-eight thousand seals and that the number taken was exceeded by forty-one thousand for a total of one hundred and sixty-nine thousand baby seals killed out of an estimated annual birthrate of less than two hundred thousand, the remaining thirty thousand or less still being subjected to other factors of mortality;

The Fourth International Congress of the World Wildlife Fund, meeting in San Francisco, U.S.A., from 29 November to 1 December 1976:

Recommends that the Government of Canada and Norway consider adoption of a moratorium on the annual commercial Harp Seal hunt until further data is available.

Resolution 19. Spear-Fishing:

Knowing that spearfishing is a threat to certain species of resident fishes and invertebrates;

Stressing that spearfishing contests are without parallel in sport by emphasizing killing;

Recognizing, however, the legitimate use of certain spearfishing activities for subsistence and other purposes;

The Fourth International Congress of the World Wildlife Fund, meeting in San Francisco, U.S.A., from 29 November to 1 December 1976:

Urges Governments to ban the use of spearfishing guns other than the hand spear and to ban all spearfishing contests;

Suggests that for all spearfishing activities suitable laws be enacted.

Resolution 19. The Future of Palau:

Recognizing that the marine environment of the Palau archipelago is the richest in the whole Pacific;

Being convinced that the future of the people of Palau depends upon maintaining the marine resources of the islands;

Being aware of the proposal for a superport in Palau with the possible development of petrochemical and other associated industries;

The Fourth International Congress of the World Wildlife Fund, meeting in San Francisco, U.S.A., from 29 November to 1 December 1976:

Urges the Japanese people to consider alternative and less damaging ways of securing their oil supplies; and

Recommends to the Government of the United States, in its capacity as guardian of the people and islands of Palau, to do all in its power to preserve the natural heritage of Palau by preventing the development of the superport.

MANDATORY PRISON TERMS FOR USE OF FIREARMS WHILE COMMITTING A CRIME

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. RAHALL. Mr. Speaker, as most people who read the newspapers know, crime in America is on the increase; especially crimes committed with handguns. Recent legislation to ban handguns, aside from being unconstitutional, does not at this time appear to be the solution to this problem.

It appears to me that providing stronger mandatory penalties for the commission of crimes where guns are involved and the enforcement of those penalties would help deter the criminal more effectively. In our district there are miners and other laborers who work the "hoot owl" shift, leaving their wives and children at home alone all night, who desire protection for their loved ones. The Constitution of the United States says Americans are entitled to bear arms and I firmly believe we are entitled to this protection.

With this in mind, I am proud to cosponsor H.R. 1559, a bill to penalize the use of firearms in the commission of any felony and to increase the penalties in certain related existing provisions. The thrust of this legislation is directed at the criminal who, through his own actions, jeopardizes the rights and lives of law-abiding citizens. We must create an atmosphere in which it is known by everyone that using a gun illegally will be dealt with surely and effectively by our criminal justice system. This legislation provides that in addition to the punishment given for committing a certain crime, mandatory sentence of imprisonment, for not less than 5 years, nor more than 10 years, will be given for the use of a firearm during the commission of a crime. Further, notwithstanding any other provision of law, the court shall not suspend the sentence in the case of any person convicted under this law or give him a probationary sentence, nor shall the term of imprisonment imposed under this law run concurrently with the term of imprisonment imposed for the commission of such felony or crime.

With the implementation of this legislation, we are sending a message to the criminal and would be criminal, that severe and mandatory sentences will be imposed for the use of firearms in the commission of crimes. This legislation addresses the need to create an atmosphere where a criminal who commits a crime with a firearm knows that he will go to jail: the courts would have no alternative but to send him to prison.

TO PROTECT AMERICAN SHORES

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. DERWINSKI. Mr. Speaker, as problems mount in many fronts, it is truly a shame that the Congress is off to such a slow start. Now that the Democrats have selected most of their committee members, I hope that the purpose of the Congress, that of legislating, commences.

An editorial commentary in the Chicago Daily News, on January 24, emphasizes the need for immediate action by the Congress in reviewing the regulations governing the entire maritime industry which has recently been dramatized by the series of tanker accidents off U.S. shores. The editorial follows:

TO PROTECT AMERICAN SHORES

The recent rash of accidents to seagoing tankers has focused much-needed attention on a problem that is already serious and bound to get worse. The breakup of a single tanker can spread millions of gallons of polluting oil over the ocean, fishing grounds or beaches, as was quickly demonstrated in the December wreck of the Argo Merchant off Nantucket. And with more tankers bringing ever more oil into U.S. ports to satisfy the nation's energy needs, the question of how to protect our shores against pollution becomes critical.

Plainly, much is wrong when a rust bucket like the Argo Merchant, which had been

plagued with breakdowns earlier, can keep on sailing until its luck runs out on a reef.

Like most of the other tankers in the recent news, this ship was under Liberian registry. Fleet owners routinely register their ships in Liberia—or Panama, another "flag of convenience"—and it's no wonder. Sailing under the American flag means paying high wages and U.S. taxes; foreign registry cuts costs by half or more.

But the foreign registry also limits the control that can be exercised over the ships by the U.S. Coast Guard or other agencies. And at best the Coast Guard and inspecting crews are stretched too thin to keep the careful watch that is needed as tankers bring in more than 40 per cent of the oil being consumed in the United States.

The U.S. shipbuilding and maritime industry has been in sorry shape for years. Heavy subsidies have been provided by Congress, amid scandals galore over the contributions to congressmen by the maritime unions. But little gets done toward straightening out the mess in shipping. Most of the action taken have only made the mess worse, increasing the discrepancy between American flag shipping and registry under a foreign flag.

It should not take more sinkings and more spills to alert the new administration to the pressing need for a review of the whole shipping situation. Unilateral action may not be enough, although some positive steps toward port and shoreline safety can surely be taken by Congress. International cooperation could help even more. And since oil spills and ocean currents don't recognize national boundaries, every nation with a coastline has a stake in this battle against pollution.

MUSEUM AIRCRAFT TAX EXEMPTIONS

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. GOLDWATER. Mr. Speaker, I am introducing today a bill to broaden the language of Public Law 94–530, which amends the Internal Revenue Code to exempt certain aircraft museums from Federal fuel taxes and the Federal tax on the use of civil aircraft.

Unfortunately, when Congress enacted legislation last year to make this exemption, an oversight occurred in that certain types of aircraft museums failed to qualify for it.

Public Law 94–530 applies only to museums which are "operated exclusively for the procurement, care, and exhibition of aircraft of the type used for combat or transport in World War II."

However, some aviation museums maintain World War II aircraft together with other types, such as World War I and other antique planes, custom-built, racing, and aerobatic planes. As the law is presently written, these museums cannot be exempted from Federal fuel taxes.

One such museum, the Experimental Aircraft Association Museum in Franklin, Wis., has an outstanding display of aircraft. The Experimental Aircraft Association strongly supported Public Law 94–530 in the belief that its museum would be included in the fuel tax exclusion. In fact, the Experimental Aircraft Association issued statements to the Ways and Means Committee and Senate Finance Committee in support of this legislation.

I really feel that Congress did not intend to make the law so narrow in its application, and I hope that my colleagues will support me in the bill I am introducing today. The text is as follows:

A bill to amend the Internal Revenue Code of 1954 to exempt certain additional aircraft museums from Federal fuel taxes and the Federal tax on the use of civil aircraft, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subparagraph (C) of section 4041(h)(2) of the Internal Revenue Code of 1954 (defining aircraft museum for purposes of exemption from taxes on special fuels) is amended by striking out "of aircraft of the type used for combat or transport in World War II" and inserting in lieu thereof "of antique, custom-built, racing, aerobatic, military, or other special types of aircraft".

SEC. 2. Paragraph (2) of section 4041(h) of the Internal Revenue Code of 1954 is amended by striking out "the term 'aircraft'" and inserting in lieu thereof "the term "aircraft museum'".

SEC. 3. The amendments made by the first two sections of this Act shall take effect on October 1, 1976, except that insofar as they affect the tax imposed by section 4491 of the Internal Revenue Code of 1954 (relating to use of civil aircraft), they shall take effect on July 1, 1976.

KEEP RIGHT-TO-WORK LAW

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. ABDNOR. Mr. Speaker, South Dakotans have repeatedly reaffirmed their belief that a person's right to hold a job should not be conditioned upon his membership in any organization through approval of the State's right-to-work law. Such a law in no way inhibits organization of or membership in labor unions, but it does protect the employment of persons who, for whatever reason, choose not to become members of the union.

I would like to share with my colleagues a recent editorial in the Madison, S. Dak., Leader as well as a recent column by Dave McNeil, executive vice president of the Greater South Dakota Association, addressing this very important issue:

[From the Madison (S. Dak.) Leader, Dec. 10, 1976]

KEEP RIGHT TO WORK LAW

Many South Dakotans believe that this state's "right to work" law is a good one. The law prevents compulsory unionism or the "closed shop" but permits other union activity.

The right to work law in South Dakota and other states may be threatened, however, by action in Washington after Jimmy Carter becomes President.

Pres.-elect Carter's position is not exactly clear, but he has indicated to labor leaders that he would sign a law repealing section 14(b) of the Taft-Hartley Act. It is under this section that states are authorized to have right to work statutes.

Thus the battle ground on what will be done in South Dakota may move outside the state to the legislative halls of Congress and to the White House itself.

We think it would be unfortunate if the federal government would dictate what South Dakota can or cannot do in this area. We also think the big unions have enough power to influence their members without the arbitrary system of the closed shop.

South Dakotans who favor our right to work setup will have to pass along their opinions to our elected representatives after Congress convenes in January.

MR. MARIGOLD AND THE FIGHT FOR 14–B

(By Dave McNeil)

PIERRE.—This is the story of Senator Everett M. Dirksen's battle to preserve the Right-to-Work Law. Someone once asked the great senator what he considered his most shining legislative achievement. To the questioner's surprise, the answer was not proposing the marigold as the national flower. The Senator instead replied, "Although it is perhaps a negative distinction, I am most proud of the bills which I prevented from being enacted." He further stated, "The American people can thank God that only 6 to 8 percent of all legislation introduced in Congress becomes law." Dirksen realized the most basic ingredient of democratic freedom lies in the absence of excessive regulation. He knew it is perfectly possible for a free society to legislate itself to death. He believed the accomplishments of a government cannot be measured in inches of statutes and the freedom of man cannot be measured on a ratio of federal regulations.

Standing high on a stack of bills which he prevented from being enacted was one that made him most proud, one that I am sure he regarded among his more important achievements because he was instrumental in getting it shelved. The bill would have enacted the repeal of Section 14–B of the Taft-Hartley Act.

The legislative battle took place in the fall of 1965 and the early months of 1966, and it was regarded as one of President Johnson's most severe legislative setbacks. It all surrounded 14–B. Senator Dirksen summed up his attitude towards the repeal of 14–B in these words: "It is not a labor issue as far as I am concerned, but a pre-emptive issue. If the federal government pre-empts the power of the states to act in this field, the states will never again regain their right to deal in labor matters. Is there a more fundamental right than the right to make a living for one's self and for one's family without being compelled to join a labor organization?" So he opened the filibuster and the bill was finally shelved in late October of 1965. Under heavy labor pressure, it was brought up again when Congress convened in January, 1966. Again, Dirksen began another "attenuated discussion," a thirteen-day filibuster that was called "the second battle of 14–B."

Section 14–B was finally buried with the letter RIP (Rest in Peace) on February 10, 1966. Senator Dirksen's final comment on 14–B was, "They'll bring it up again over my dead body." And so he saved Section 14–B of the Taft-Hartley Act.

Now, here we are eleven years later and, true to the Senator's prediction, 14–B is up again and he is no longer with us. There will surely be another attempt to repeal 14–B in the 95th Congress with its labor domination and President Elect Carter's statement that he will sign the repeal of 14–B if it gets to his desk. Some South Dakotans seem to believe our state will not be affected by such a repeal. The fact our right-to-work law is in our State Constitution does not protect

it from repeal by Congress. As Senator Dirksen said, 14–B is a pre-emptive issue, which means Section 14–B gave the states the original opportunity to enact right-to-work laws; therefore, its repeal does override our constitutional right-to-work law.

The South Dakota Right-to-Work Law is one of the pillars of our positive business climate. It is this positive business climate that has enabled our state to move very fast along the path towards industrial diversification and, thus, economic stabilization. Without 14–B, we lose a competitive edge.

BRAINWASHING OF MEMBERS OF RELIGIOUS CULTS

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. GIAIMO. Mr. Speaker, last September, I inserted for the benefit of my colleagues the text of correspondence which I had with the Justice Department on the seemingly religious cults. At this time, I again am including these letters for the RECORD so that those Members who are not familiar with my efforts may understand precisely what I am trying to accomplish:

AUGUST 11, 1976.

Hon. EDWARD H. LEVI,
Attorney General, Department of Justice, Washington, D.C.

DEAR MR. ATTORNEY GENERAL: For quite some time, I have been interested in and most concerned about complaints which I have received from constituents regarding the involvement of young Americans in pseudo-religious cults. I am particularly concerned about the allegations of "brainwashing" which have been advanced by several people who have left these cults.

There is a general reluctance on behalf of officials at the Justice Department to investigate these charges. Perhaps this reluctance occurs in part because officials have not had the benefit of the assessments of "brainwashing" by leading authorities on the subject.

Two qualified experts in this field are willing to discuss this matter with you or your principal deputy. Professor Robert J. Lifton of Yale University is recognized as one of the world's authorities on brainwashing. Professor Richard Delgado of the University of Washington School of Law has concentrated his activities in the legal aspects of brainwashing. I believe that their comments would provide invaluable information on this problem. Professors Lifton and Delgado have indicated that they would be able to discuss "brainwashing" and these cults with you sometime in the first three weeks of September. I would appreciate your advising me promptly as to when you or your principal deputy would be able to meet with them.

In a related matter, I have yet to receive a reply to my April 13 letter to you on this matter. I yield to nobody in my support for those freedoms protected by the First Amendment. But, what am I to say to the parents of young people who are convinced that their children are unwilling members of these cults? Is there any way, short of "kidnapping" their own children, that these parents can talk to these young people? Am I to tell them that their government can or will do nothing?

I eagerly await your reply to this letter.

Sincerely yours,

ROBERT N. GIAIMO,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, D.C., August 30, 1976.

Hon. EDWARD H. LEVI,
Attorney General, Department of Justice, Washington, D.C.

DEAR MR. ATTORNEY GENERAL: On August 11, Congressman Robert N. Giaimo sent you a letter requesting that an appointment be arranged between you or your principal deputy and Professors Robert J. Lifton and Richard Delgado. The purpose of this meeting would be a discussion of "brainwashing" and its possible application by the various pseudo-religious cults which emerged in this country in recent years.

We are concerned about the activities of these cults. While we recognize that their actions are protected by the Bill of Rights, we cannot overlook the allegations of brainwashing which have been advanced by people who have left the cults.

We hope that you will meet with Professors Lifton and Delgado. Following this meeting, we would hope that you would advise us of what you intend to do in response to the allegations of "brainwashing."

We beseech you to honor this request.

Sincerely yours,

Robert N. Giaimo, 3rd District, Connecticut; Gary A. Myers, 25th District, Pennsylvania; Robert A. Roe, 8th District, New Jersey; Ken Hechler, 4th District, West Virginia; Matthew J. Rinaldo, 12th District, New Jersey; G. Wm. Whitehurst, 2nd District, Virginia; George Miller, 7th District, California; Richard Bolling, 5th District, Missouri; Joshua Eilberg, 4th District, Pennsylvania; Richardson Preyer, 6th District, North Carolina; Thomas J. Downey, 2nd District, New York; H. John Heinz III, 18th District, Pennsylvania; George E. Brown, Jr., 36th District, California; Max Baucus, 1st District, Montana; Richard L. Ottinger, 24th District, New York; Norman F. Lent, 4th District, New York; Gerry E. Studds, 12th District, Massachusetts.

SEPTEMBER 3, 1976.

Hon. EDWARD H. LEVI,
Attorney General, Department of Justice, Washington, D.C.:

The following Members of Congress have advised me that they would like to be added to the list of co-signers of my letter to you of August 30:

Representative James L. Oberstar, 8th District, Minnesota.

Representative William R. Cotter, 1st District, Connecticut.

Representative Bill Frenzel, 3d District, Minnesota.

Representative Leo J. Ryan, 11th District, California.

Representative Leo C. Zeferetti, 15th District, New York.

Representative Martha Keys, 2d District, Kansas.

Representative Clarence J. Brown, 7th District, Ohio.

We would appreciate a prompt and favorable response to our request.

Representative ROBERT N. GIAIMO.

DEPARTMENT OF JUSTICE,
Washington, September 7, 1976.

Hon. ROBERT N. GIAIMO,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN GIAIMO: Your letter to the Attorney General dated August 11, 1976 and your letter to Assistant Attorney General Uhlmann dated August 23, 1976, have been referred to the Criminal Division. A search of Criminal Division files failed to disclose receipt of your letter of April 13, 1976.

Your letter of August 11, 1976 expresses concern about allegations of "brainwashing" of members of religious cults and notes a reluctance on the part of the Department of Justice to investigate these allegations. You further suggest in both letters a meeting between certain experts in the field of "brainwashing" and a representative of the Department of Justice.

The Department of Justice, of course, cannot conduct a general inquiry into the activities of a religious organization. There first must be an allegation of a violation of Federal law.

As you know, we have received numerous letters from the parents of cult members alleging that their adult children are the victims of "brainwashing". Consideration has been given to the possibility that the imposition of mental restraints upon the freedom of movement of a cult member might constitute a violation of the Federal kidnaping statute, 18 U.S.C. § 1201. In *Chatwin* v. *United States*, 326 U.S. 455, the Supreme Court recognized that an unlawful restraint could be achieved by mental as well as by physical means. However, the restraint must be against the person's will and with a willful intent to confine the victim. It seems clear that the court will not construe the statutory language of § 1201 so as to punish one individual who induces another individual to leave his surroundings to do some innocent or illegal act of benefit to the former, state lines subsequently being crossed, 326 U.S. at 464.

We have also considered the possibility that these allegations amount to violations of other Federal criminal statutes pertaining to peonage and slavery. 18 U.S.C. § 1581 prohibits holding or returning any person to a condition of peonage. The gravamen of this offense is the holding of another to labor in satisfaction of a debt. *United States* v. *Gaskin*, 320 U.S. 527. This clearly does not apply to the situation in which a cult member is induced to work for a religious group. With regard to 18 U.S.C. §§ 1583, 1584, which prohibit slavery and involuntary servitude, the victim must have or believe that he has no way to avoid continued service or confinement. If the victim has a choice between freedom and confinement, even if the choice of freedom entails what he believes to be serious consequences, then there is no violation. See *United States* v. *Shackney*, 333 F. 2d 475 (1964) (2nd Cir.).

In order to initiate a Federal criminal investigation under the kidnaping statute or under 18 U.S.C. §§ 1583, 1584, of individuals alleged to have subjected cult members to "brainwashing", there must be information or an allegation that the victim was actually deprived of his liberty against his will by physical or mental restraints. Allegations that the victim was induced, persuaded, proselytized, or brainwashed to continue his association with the cult would be insufficient. In the case of a kidnaping investigation, there also would have to be information or an allegation that the victim was being held for ransom, reward, or otherwise and that the jurisdictional element of interstate travel was present.

I am informed that some parents of cult members have had success in pursuing civil remedies involving court appointments as conservators or guardians for their adult children. Additionally, in a case entitled *Helander* v. *Unification Church, et al.*, Case No. HC7–75, Superior Court for the District of Columbia—Family Division, the parents of a cult member petitioned for a writ of Habeas Corpus. Although the court held that there was insufficient evidence to establish that the cult member had been restrained from her lawful liberty by the Unification Church, it seems clear that with a sufficient showing, Habeas Corpus is yet another remedy in these situations. In view of the more

stringent burden of proof required in criminal prosecutions, it seems clear that aggrieved parents would have a greater likelihood of success in pursuing civil remedies rather than requesting criminal prosecutions.

With regard to your proposal for a meeting with Professors Lifton and Delgado, I believe that before such a meeting took place, we should have the benefit of reviewing their publications or other works in the field of "brainwashing". If you wish to submit any such publications to the Department, we would be happy to review them and advise you as to our views of the appropriateness of such a meeting.

Thank you for your interest in this matter.

Sincerely,

RICHARD L. THORNBURGH,
Assistant Attorney General, Criminal Division.

NEW ENGLAND'S HOME HEATING CRISIS

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. McKINNEY. Mr. Speaker, last Friday I had the opportunity to address a meeting of New England's Federal Energy Administration regional officials and members of the New England Caucus on the subject of New England's home heating crisis.

My remarks follow:

NEW ENGLAND'S HOME HEATING CRISIS

Ladies and gentlemen, I am pleased at the opportunity to participate in this exchange of ideas on matters of urgent importance to homeowners in Connecticut and throughout New England. The people of Southern Connecticut have been hit hard by this winter's severe cold and the resulting increase in fuel prices. Like you, I have heard from numerous constituents who are paying up to 50 cents per gallon to heat their homes. They are understandably upset.

Despite the ineffectiveness of the FEA's Post Exemption Monitoring System to protect the average homeowner from dramatic price increases following the decontrol of middle distillates, I do not favor the reinstitution of controls. The 25% increase in home fuel consumption over last year's level has been tagged as the major cause for this—New England's most recent "energy crisis." As a result a possibility, more discomforting than the thought of exorbitant heating bills, arises—the danger of having no fuel at all regardless of price. The question of price controls versus production incentive and supply is an uncertain one at best. However, in the midst of one of the coldest winters in memory, I think it highly unwise to test that theory with the reinstitution of controls.

Our primary task, and initial recommendation to the Federal Energy Administration must be to insure New England homeowners of sufficient supplies to meet this winter's needs. Our secondary, but no less serious concern is to reduce or at least stabilize the cost of home heating oil. In this particular situation we must remember that we are not seeking the best but most immediate solution to this problem.

Granting a healthy entitlement, approximately 5 cents per gallon, not only appears to fill that bill, but may also provide a much-needed reduction in consumer costs. There is good reason to believe that a 5 cents per gallon entitlement could stimulate delivery of sufficient imported home heating oil at a price below the average wholesale price of U.S. heating oil and thereby stabilize or slightly reduce the cost to homeowners. Given the severity and immediacy of the problem we face, I strongly recommend that a full entitlement be granted to all New England importers of home heating oil—even at the cost of temporarily increasing our reliance on foreign oil imports.

In assessing this present "crisis", if we cannot designate a villain perhaps it is because the fault lies too close to home. A Federal Energy Administration check of New England distributors has not found any instances of price gouging nor any increase in normal profit margins. The proponents of home heating oil decontrol cannot be faulted, as it is likely that high prices and short supplies would have been experienced this winter under continued controls. Our federal regulatory agencies were exonerated from blame when Congress voted to decontrol and approved of the Post Exemption Monitoring System. The blame for New England's most recent "energy crisis", if it is to be assumed at all, must be shouldered by our failure to coordinate both a national and regional energy policy. The present exorbitant costs and the danger of insufficient supplies are further examples of the price we pay in the absence of a definitive energy program. We cannot continue to operate under this patchwork approach to New England's energy demands.

We must insure that the federal government becomes responsive to our unique regional energy needs and that such awareness results in affirmative actions which address those specified needs. We, as representatives of the New England region, must become increasingly cognizant of our particular energy problems and develop a regional program to meet them. The relatively lower home heating oil costs in the rest of our FEA price monitoring region is just one example of the significant differences that exist in the energy requirements of New England as opposed to the broader Northeast region.

First and foremost, a program of resource priority usage for the nation and our region must be devised and strictly enforced. If imported petroleum products are to be our primary fuel source for the next 20 years, followed by coal, nuclear and solar power, then let's plan for that. Let us establish a time table which our producers, importers and distributors can rely on. These priorities, in turn, would require us to structure our environmental regulations to compliment that time table so that utilities can avoid costly interruptions and conversions and will be willing to make capital investments based on those assurances. Within that framework, we can explore the obvious benefits of constructing refining facilities in New England and thereby eliminate future manifestations of the current price disadvantage we suffer in relation to those with ready access to refineries.

As a group, organized under the New England Caucus, we have both the voice and forum to present our ideas to the rest of the Congress and push for the development of a national energy plan.

Ladies and Gentlemen, a regional energy plan is not a viable consideration unless operated in conjunction with a larger federal program. But as a Caucus, we have both the capability and responsibility to present our ideas to our colleagues and push for the development of an energy plan on a national scale. I hope that we can learn from this most recent crisis and get on with that vital task.

CONFERENCE AGAINST INTELLIGENCE-GATHERING: PART I

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. McDONALD. Mr. Speaker, the leaders of the campaign to blind our Nation's Federal and local intelligence-gathering agencies so that criminal and totalitarian groups may be free to plot against our constitutionally guaranteed rights unhindered, and that terrorists and foreign spies may operate undisturbed met last week in Chicago to exchange information and coordinate their activities.

A National Conference on Government Spying—NCGS—was held at the Northwestern University School of Law in Chicago, on January 20–23, 1977. The conference was organized by the National Lawyers Guild—NLG—which first proposed the conference at its August 1976 national executive board—NEB—meeting in Brunswick, N.J.

The National Lawyers Guild has explicitly stated its support for revolutionary "armed struggle" and terrorism as in the armed occupation of Wounded Knee and in violent prison riots. The NLG International Committee maintains open liaison with terrorist Marxist "liberation movements" such as the Palestine Liberation Organization. The NLG is a member of the Soviet-controlled International Association of Democratic Lawyers—IADL: the NLG was formed with the assistance of the Comintern in 1936 and was cited as the "foremost legal bulwark of the Communist Party, its fronts and controlled unions." The NLG now operates as a working coalition of Communist Party, U.S.A.—CPUSA—members and supporters, Castroite Communists, Maoist Communists, and various New Left activists.

Coconvenors of the National Conference on Government Spying were:

American Civil Liberties Union (ACLU), which stated in its 1970–71 Annual Report, "The ACLU has made the dissolution of the Nation's vast surveillance network a top priority;" and whose leadership includes NLG members and totalitarian Marxist-Leninists.

American Friends Service Committee (AFSC), which has expressed approval of the Vietcong, Red Chinese, Palestine Liberation Organization, Khmer Rouge and Cuban communists efforts to create "socialism;" and which excuses revolutionary terrorism on the grounds that the oppression caused by capitalism is greater and came first. AFSC distributed a manual, Intelligence Abuse and your Local Police, which contains an April, 1976, resolution of the AFSC Board calling for outright abolition of the CIA and internal security function of the FBI and calling for the outlawing of all "clandestine U.S. activities abroad" and of all domestic intelligence-gathering activities.

Center for National Security Studies (CNSS), a project of the Fund for Peace financed principally by the Field Foundation and staffed from the Institute for Policy Studies (IPS), a far-left think-tank which has never excluded violence from its experiments in revolutionary "'social change." IPS continues to have members

of terrorist organizations on its staff; and it was recently revealed that one of IPS's and the Fund for Peace's principal figures, Orlando Letelier, a Chilean Marxist, was receiving large amounts of money from the Cuban DGI spy agency.

National Conference of Black Lawyers (NCBL), headed by lawyers who are also members of the NLG, the NCBL and the NLG both send representatives to the meetings of the Soviet-controlled IADL.

National Emergency Civil Liberties Committee (NECLC), a cited Communist Party, U.S.A. front composed of NLG members and nonlawyers.

Political Rights Defense Fund (PRDF), a front of the Trotskyist communist Socialist Workers Party (SWP), the U.S. section of the Fourth International which is actively engaged in terrorism in many countries. The PRDF raises money for the SWP lawsuit against the FBI and other law enforcement agencies, and disseminates propaganda. The Fourth International has close connections with the Cuban communists and it is of interest that the SWP's lawyers also represent the Cuban government.

The NCGS organizers stated the conference was called "in order to mobilize opposition to secret police activity" and to "take serious stock of what is to be done to develop a powerful and uncompromising campaign to * * * bring it to an end."

Broadly painting all intelligence-gathering methods—"secret surveillance, wiretapping, maintenance of illegal dossiers and photo files, 'black bag jobs,' and 'counterintelligence' tactics" as "illegal" and 'shocking," the NCGS organizers claimed there has been "systematic violation of the privacy and fundamental rights of large numbers of citizens" whose "only 'crime' has been independent opposition to—sometimes merely mild criticism of—the established order."

The conference-goers did not mention that law enforcement intelligence-gathering programs were instituted in response to the violent and totalitarian threat unified and directed by the Soviet Union; or that the expansion of domestic intelligence gathering in the 1960's was in response to increased activities in this country on behalf of Soviet, Cuban, and Vietnamese Communists which was accompanied by street disorders, destruction of private and public property, and finally by terrorism perpetrated by Cuban-trained revolutionaries.

The NCGS steering committee consisted of:

Bob Borosage, Washington, D.C.; NLG activist; codirector of the Center for National Security Studies—CNSS; and trustee of and attorney for the Institute for Policy Studies—IPS.

Len Cavise, Chicago; NLG.

Paul Chevigny, New York; NLG speaker and staff attorney for the New York Civil Liberties Union; author of "Cops and Rebels" and "Police Power."

Terry Gilbert, Cleveland.

Bill Goodman, Detroit; president of the NLG.

Leonard Grossman, Detroit.

Lance Haddix, Chicago; NLG.

Morton Halperin, Washington, D.C.; director of the joint CNSS/ACLU Project on National Security and Civil Liberties, funded, as are many ACLU and Fund for Peace/CNSS activities, by the Field Foundation.

David Hamlin, Chicago; Illinois Civil Liberties Union.

Lennox Hinds, New York; National Conference of Black Lawyers—NCBL; NLG; National Alliance Against Racist and Political Repression—NAARPR; and the International Association of Democratic Lawyers—IADL—controlled by the U.S.S.R.

Robert C. Howard, Chicago; general counsel of the Better Government Association, a tax-exempt "public interest organization that addresses government misconduct through investigation, public education, and legal action."

Val R. Klink, president of the Chicago NLG chapter, attorney for the Alliance To End Repression—AER—set up by two CPUSA fronts.

Michael Krinsky, New York; attorney with Rabinowitz, Boudin and Standard; attorney for Cuba, the Marxist Allende government of Chile, and the Socialist Workers Party—SWP.

Ken Lawrence, Jackson, Miss.

Judy Meade, Washington, D.C.; CNSS.

Matt Piers, Chicago.

Ramona Ripston (Mrs. Henry DiSuvero), Los Angeles; NLG; executive director, ACLU of Southern California; former codirector of the National Emergency Civil Liberties Committee, an identified CPUSA front.

David Rudovsky, Philadelphia; NLG; staff attorney of the NECLC Philadelphia office; attorney for the Institute for Policy Studies.

Franklin Siegel, New York; NLG national office staff.

Howard Simon, Detroit.

Zoharah Simmons, Philadelphia.

Richard Soble, Detroit; NLG and Bill Goodman's law partner.

Syd Stapleton, New York; member of the Socialist Workers Party National Committee and national secretary of the SWP's political rights defense fund—PRDF—which raises money and distributes publicity about the SWP's lawsuits against the FBI and other law enforcement agencies.

Margaret Van Houten, Washington, D.C.; formerly with the Organizing Committee for a Fifth Estate—OC–5—now coordinator of the OC–5 spinoff, the Public Education Project on the Intelligence Community—PEPIC.

Margaret "Peggy" Winter, New York; national staff of the political rights fund.

The National Conference on Government Spying was organized from room 815, 33 North Dearborn, Chicago, Ill. 60602, 312/939–2492, with Paul Bigman as information coordinator. In addition to the NLG, those assisting with conference expenses were the ACLU and the Playboy Foundation which commissioned the conference handbook, a more than 225-page manual—$15—entitled "Pleading, Discovery and Pretrial Procedure for Litigation Against Government Spying," whose principal authors are Robert C. Howard and Kathleen M. Crowley, general counsel and staff counsel, respectively, of the Better Government Association, a plaintiff in the suit against the Chicago police intelligence unit, *ACLU* v. *Chicago*, Civ. Action 75 C 6295 (N.D. Ill., Eastern Div.) which has been consolidated with *Alliance To End Repression* v. *Rochford*, 74 C 3268.

The manual gives special acknowledgement to Robert J. Vollen, Richard M. Gutman, Constance Glass, David M. Hamlin, Lois Lipton Kraft, Margaret Winter, and Morton Halperin, and states:

> We particularly want to acknowledge the continuous assistance and information exchange with the Political Rights Defense Fund (Socialist Workers Party v. Attorney General) and the Project on National Security and Civil Liberties (which is pursuing several lawsuits).

The manual emphasizes that the key to successful discovery against law enforcement intelligence-gathering agencies is to gain knowledge of information filing systems, what is indexed, the physical inspection and inventorying of files and indexes which provide an immediate guide as to what is known about each plaintiff. It emphasizes that class action suits are preferable because total access can be demanded to files and indexes "to determine the practical membership of the class and the nature of the available data concerning each class member."

The manual further urges that the original files and reports be closely analyzed by the members of the group or the person surveilled. This process has resulted in the identification of a number of brave Americans who provided information on the activities of Communist, terrorist, and terrorist support groups.

The manual makes a further and obvious point that discovery is the major point of an anti-intelligence suit in that disclosure itself is a major step toward the goal of terminating all intelligence programs.

LITIGATOR'S WORKSHOP

The Thursday afternoon and evening sessions on January 20, and the morning and afternoon of Friday, January 21, were devoted to a Pre-Conference Litigator's Workshop "for attorneys and legal workers who are now involved in ongoing or contemplated lawsuits" and was styled "an information exchange on current Red Squad and secret police lawsuits."

The 50 who registered were provided with a copy of the litigation manual which served as the basis for agenda discussions. Also handed out was a special edition of NCSS/ACLU project on national security and civil liberties newsletter, First Principles, "put together to accompany the Conference Against Police Spying."

First Principles—January 1977, volume 2, No. 5—features three articles: An account of the SWP suit by Claire Moriarty, SWP member and PRDF staffer; an article by Chicago Better Government Association counsel Robert C. Howard; and an account of Benkert against Michigan State Police, in which a Wayne County circuit judge struck down the criminal syndicalism statutes which required the State police to investigate persons advocating "crime, sabotage, violence, or other unlawful methods of ter-

rorism as a means of accomplishing industrial or political reform." It also contains a docket listing of "Current Red Squad Cases."

The Thursday workshop sessions were devoted principally to the central question in antisurveillance litigation: discovery. Featured resource people and experts included Robert C. Howard; Richard Sobel; G. Flint Taylor, active with the NLG and the Weather Underground's Prairie Fire Organizing Committee—PFOC—who is a plaintiff in the Alliance To End Repression—AEC—lawsuit; Rhonda Copeland of the NLG and Center for Constitutional Rights—CCR—on "executive privilege, state secrets, and security" questions; Robert J. Kollen, an attorney in the EER/ACLU suit; AER attorney Richard M. Gutman and CCR cofounder Morton Stavis on how to minimize and prevent reverse discovery by defendants; and Charles Nessen of Harvard Law School, formerly one of the defense attorneys in the Ellsberg/Russo trial.

Bob Howard's contribution was discussion of the two suits against the Chicago Police Department intelligence unit, AER/ACLU, which have been, in his words, "consolidated for discovery before a receptive federal judge." Howard explained how plaintiffs' counsel were able to subvert a protective order which had been issued by a previous judge restricting documents obtained in discovery to plaintiffs' counsel only.

The plaintiffs argued that the documents in the intelligence files should be categorized as either "personal" or "systems" documents.

In this arbitrary system devised by plaintiffs, all information about the activities of the groups and individuals were to be considered "personal," and materials defining departmental procedures and revealing techniques used for intelligence-gathering were "system documents." According to Howard, the Federal judge agreed with plaintiffs that the only interest which pertained to "personal" documents was the privacy interest of those who had been surveilled; and that therefore plaintiffs counsel could disseminate those documents freely to the subjects of the surveillance who could release them as they wished so long as information on any third party was not disseminated without their permission.

With regard to the "systems documents," when the Chicago police superintendent made public and press statements defending the police department's right to make use of informants and denying that the police had used illegal methods to obtain information such as burglary and wiretaps, plaintiffs immediately moved to eliminate restrictions on that category of intelligence unit material.

Howard stressed the importance of gaining detailed information at the outset on how material is filed and in gaining an initial order sealing and segregating law enforcement intelligence files as well as forbidding any purging or destruction of file contents. He noted that the Xerox of the entire intelligence unit card index has proved invaluable, and that the very production of the index established the grounds for the class action alleging surveillance and invasion of privacy.

According to Howard, the most important rulings for plaintiffs in the AER suit was one ordering production without any deletion of all documents relating to the plaintiffs. The other plaintiffs include the Communist Party, U.S.A.'s youth group, the Young Workers Liberation League—YWLL; the Trotskyist Communist Socialist Workers Party—SWP—and its youth group, the Young Socialist Alliance—YSA; the two cited CPUSA fronts which set up the AER, the Chicago Peace Council and the Chicago Committee to Defend the Bill of Rights; several dual members of the National Lawyers Guild—NLG—and the Weather Underground's Prairie Fire Organizing Committee—PFOC; present and former members of the CPUSA; and others with public records of involvement in CPUSA front activity.

Howard emphasized that the major ruling by the judge that no "informer's privilege" to confidentiality applied on the grounds that: First, some of the informants had regularly, irregularly or on an occasion been paid; and second, that the U.S. Supreme Court's standard of protection of informants in *Rovario* v. *U.S.*, 353 U.S. 53 (1957) does not apply to intelligence informants because "subversive activities" are noncriminal political and associational activities protected by the first amendment.

Discovery in Bankert against Michigan State Police was discussed by plaintiffs' counsel Richard Soble of Detroit. In Bankert, while the contents of Michigan State Police and Detroit police have been examined by plaintiffs' lawyers, the various individuals who were the subject of file mentions were not given access.

It was also noted that the Detroit police were allowed to attempt to protect their informants' identities by substituting numbers for names. However, identities are easily revealed by comparison of several reports. The Michigan State Police were permitted to identify all personnel except informants. However, plaintiffs counsel noted that the question of whether or not an informant is in effect a type of "police personnel" remains to be argued.

The Thursday evening session was devoted to "Management of Litigation and Tactics." A principal point was the PRDF/SWP tactic of using pre-trial conferences among the judge and counsel which do away with the traditional—and very time consuming—legal procedures of "requests/objection/briefing schedule/decision." This has enabled the SWP, as well as plaintiffs in other anti-intelligence suits to gain the necessary documents in weeks and months while the process might have taken several times longer by traditional discovery procedures. The "importance of staying away from briefs" was strongly stressed.

The formal practice of the Federal Rules of Civil Procedure were criticized because in it the attorneys organize the process of the litigation among themselves with the judge becoming involved only to resolve legal disputes, set deadlines and conduct the trial. This insures the relative uninvolvement of the judge except on an occasional, formal courtroom basis.

Discussion included the importance of setting up, on as informal a basis as feasible, pretrial conferences involving the judge and his clerks, and counsel for the parties. It was further spelled out that an important function of the pretrial conferences was to "educate the judge about the lawsuit," to "develop some personal relationship with him," and gaining the judge's assistance in resolving defense objections to the discovery process.

It was further noted that plaintiffs should strive to maintain control over pretrial conference agendas. As one participant commented, the pretrial conference is the most efficient device available for implementing plaintiffs' plans. Another benefit to plaintiffs was discussed in that plaintiffs offering to draw up the agendas necessitates constant discussions with the defense counsel for the law enforcement agency. If the defense is resistant to discovery, the previous discussions with plaintiffs' counsel will highlight it for the judge, insuring that plaintiffs' positions appear both reasonable and properly aggressive. The benefits to aggressive plaintiffs of being able to define and characterize the issues to be discussed are obvious.

The Friday sessions were for the most part devoted to technical points of trial strategy. Featured "resource persons" included Frank S. Askin, Rutgers Constitutional Law Clinic; Margaret Winter, PRDF; Michael Krinsky; David Rudovsky; Mark Frankel; Lance Haddix; G. Flint Taylor; and Jerry Berman and Morton Halperin, CNSS.

Halperin and Berman promoted a "model law" they had drafted which was designed to make intelligence gathering so difficult, expensive and "dangerous" for law enforcement agencies that they wouldn't make the effort.

Berman's "model" called for total prohibition on the formation of intelligence units, would totally prohibit the collection, filing or distribution of any information "relating to any person's beliefs, opinions, associations or other exercise of rights guaranteed by the first amendment," and would require warrants for the use of an informant and limit investigations to 30 days.

In effect, the CNSS "model" would prohibit monitoring of any group promoting terrorist violence, or stating that it will engage in revolutionary terrorism in the future as soon as conditions are appropriate. The CNSS and its revolutionary cohorts deny that the general public has a right under the Constitution to be protected from planned violence, and would prevent the law enforcement community from even trying to identify the sources of potential mayhem until their plans are complete.

A special lunch session was held on Friday featuring Charles Marson of the northern California chapter of the ACLU. Marson reported that he is opening an investigation of a "newly uncovered top secret link" and "national data exchange system among red squads," the

Law Enforcement Intelligence Unit—LEIU.

Marson asserted that LEIU was part of a vast, secret, private dossier exchange network. Marson intends to investigate the fact that over 85 California police departments, district attorney's offices and sheriff's departments in California are members of private LEIU organizations.

CARGO THEFT: A BILLION DOLLAR RACKET

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. PICKLE. Mr. Speaker, I am once again introducing legislation, H.R. 1157, to deal with the $6 million per day cargo theft racket. I first introduced this bill in 1970. At that time I found that for the criminal there is no business more profitable or less risky than cargo theft. For the consumer, it means $2 billion a year in higher prices to make up for the loss.

Today, 7 years later, the situation has not changed. The only action that has been taken to combat cargo crime is the Nixon-Ford administration program of voluntary cargo security. This vague program was about as effective as an air wick in a feedlot.

Last fall I submitted testimony to the Surface Transportation Subcommittee which explains the complexity of the cargo theft problem and it describes the major points of the bill that I have introduced. I insert that statement into the RECORD:

CARGO SECURITY

Mr. Chairman, I thank you for giving me the opportunity to discuss the problem of cargo security and the legislation that I have introduced.

As you know, this is not the first time I have sponsored legislation to deal with this problem. For the past seven years, I and my staff have collected, analyzed, discussed, and filed every piece of information about cargo security that we could find. I have persisted in collecting and digesting this voluminous record with two goals in mind: First, to grasp the scope of the problem with which we are dealing and secondly, to develop a reasonable and just approach to fighting cargo crime.

First of all, it did not take long for me to see that the scope of the problem is staggering. The more I studied, the more I read, the more I listened, the more this problem seemed to get murkier and murkier.

There have been conflicting reports. The Administration says that direct theft of cargo is more than $1 billion annually. But the GAO has said that that study had faults and even the consultant has admitted that the figure was conservative.

When Senator Alan Bible and I first introduced cargo security legislation, we came forward with the figure of $1.5 billion stolen in 1970. Now, I say that the American people are being ripped off to the tune of at least $2 billion every year.

That is $2 billion in lost income, $2 billion which must be made up through higher prices to consumers and that is $2 billion that adds to inflation.

Everyday, millions of dollars worth of property disappears from airports, railroad yards, truck terminals, and shipping docks. It is hauled off in hijacked trucks, slipped away in mis-marked crates, pulled out of waiting railroad cars and even carried out the front gate in lunch boxes and under coats.

It is a $6 million per day racket involving organized crime, petty thieves, fences and company employees.

I will give you a few specific examples to illustrate just some of the problems that are encountered in dealing with cargo theft.

The New York-New Jersey Bi-State Waterfront Commission, once recovered $277,000 in stolen goods by setting up an undercover fencing operation. When the property was recovered, they discovered that the shippers had reported losses of only $2,000.

A series of articles in the Chicago Tribune (February 19 and February 21, 1975) revealed that reporters could gain easy access to restricted passenger and cargo areas, walking through open gates and past guards. They watched while employees rifled luggage and supplies. Many employees told the reporters they considered such stealing to be part of their salary. Others said honest employees tolerate theft by their co-workers because they felt the airlines didn't care and believed they may actually be reprimanded by an airline or a union for accusing another worker of theft.

I received a letter from the Portland, Oregon, police bureau which also sets up an undercover fencing operation to buy stolen goods. The letter stated: "Most people were willing and eager to buy stolen property if the price was right. Several of the cases made by this method were well-known businessmen with good financial circumstances who apparently could not resist a 'hot bargain.' The message to the community was that ordinary citizens are the ones who help support criminals and break the law by purchasing stolen property."

And there is the story about a thief in a high-crime rail corridor in Detroit who was caught by security guards one day running out of the rail yard with a pair of wheels and tires he had removed from a new automobile on a rail car. Two days later, he was again seen fleeing the same area with the customary wheel and tire under each arm.

These four cases illustrate just a fraction of the problem we are facing. We are confronted with inadequate labelling of cargo, irregularities in reporting stolen or lost merchandise, an inability to develop evidence for prosecution, opposition from trade unions and often fear or indifference from employers.

These are the factors that have helped to make cargo theft a multi-billion dollar racket.

I hope that you will agree that when we have a situation where a thief can make 10 times more money by hijacking a truck than by robbing a bank, and with less fear of being caught—and even less fear of a conviction—then we must take some action.

Some steps have been taken in the past couple of years to focus on high crime areas and to encourage carriers to develop tighter security systems. However, these measures have not gone far enough and have had a minimal effect on cargo crime.

The Ford Administration, through the Office of Cargo Security, has developed the National Cargo Security Program. This is a program of voluntary action by the private sector to remove the opportunities for theft and to develop more effective law enforcement.

I support this program as a good approach to cargo security and I agree with Secretary William Coleman's view that nothing is more effective than the commitment of individual companies to the principles and practices of good security.

However, it is obvious that the program is not bringing about any significant reductions in cargo theft. If I believed that the President's National Cargo Security Program could, by itself, eventually result in meaningful decreases in cargo theft, I would not be pushing my bill.

But even Secretary Coleman's assessment of the program's effectiveness shows its weaknesses. He reported earlier this year that "the lack of maritime data is a significant deficiency in the National Cargo Security Program." And he stated that, "The railroad industry reports its theft-related freight losses are increasing." Even the most optimistic parts of his report indicate only "gradual trends of improvement."

The Administration's program cannot succeed on its own because the incentives are not great enough to overcome the difficulties encountered by tightening security. The prospect of higher profits is outweighed by the increased costs for security, and the very real possibilities for increased insurance costs, labor disputes, and threats of retaliation by organized crime.

It is much easier to program the losses into the operating budget and, in turn, raise the cost to the consumer.

A voluntary security program cannot succeed without some mandatory regulations enforced by the government. That is why I have once again introduced legislation to fight cargo theft. I do not intend my proposal to be a total answer or an alternative to the National Cargo Security Program. On the contrary, I believe that this bill would improve the effectiveness of the voluntary program by requiring that the wheels be set in motion to develop better security.

The bill outlines a very simple and basic program. The major points are these:

(1) Allowing the Department of Transportation to set up very limited regulations in certain areas;

(2) Attacking the problem of the jurisdictional dispute between DOT and the Department of the Treasury;

(3) Getting the Federal Maritime Commission off the dime and making the ships report losses;

(3) Creating legislatively the Office of Cargo Security, which now just exists by the grace of the Office of Management and Budget; and

(5) Creating legislatively the Inter-Agency Council on Cargo Security.

Areas 4 and 5 are pretty much self-explanatory but I would like to comment on the minimum regulations, the port dispute, and the Federal Maritime Commission.

I have received comments from many people in the transportation industry opposed to the imposition of regulations because of a fear that the rules would not adequately consider such variables as the type of freight hauled, geographic locations of terminals, and the cost of complying with the regulations.

However, my bill would not do any of these things and, in fact, my proposed regulations would not fall totally on the transportation industry.

The bill calls for regulations in four areas and four areas only: They are:

(1) Proper packaging. The cost here will fall on the packaging industry and the shipper.

(2) Proper documentation and labeling. The cost here will be on the shipper and carriers.

(3) Better cargo loss reporting. Most carriers and shippers already report.

(4) Personnel identification. This will cost the unions and the carriers.

Thus, these requirements are not designed to cost the carriers only. The purpose of working in these areas is recommended so that the following can be accomplished:

(1) Present evidence in court so that cases can be fully prosecuted;

(2) Allow a rapid notification of losses so we can improve our chances of catching up with the goods before they are sold and become virtually untraceable;

(3) Remove incentives for thefts such as improperly labeled cargo; and

(4) Make it tougher for repeaters to get back into the business.

Please note that I do not call for minimum security standards. I accept the argument that this may be too expensive and too cumbersome to apply nationwide.

Now, as to the second part of my bill about straightening out the jurisdiction between Customs and DOT, I have several points to make.

First, I say that it is time we went public with the fighting going on between DOT and the Treasury and become aware that the two agencies' attitudes are hurting no one but the American consumer. Now this is not going on between Secretary Simon and Secretary Coleman, but it is there. People just will not talk about it.

So far, I am not impressed with what has been going on between the two agencies and I think it is time for the Congress to step in and put some kind of order on the proceedings.

My bill would allow the Treasury Department to regulate in those areas where the Customs people have had traditional jurisdiction. This would include the terminal operators.

I know this is a hard area in which to draw the line. The way my bill is structured, the Ways and Means Committee would have the congressional jurisdiction here. If DOT can present its case to limit the Customs activities to actual Customs inspection areas, then I will be open to the change.

My main point is to recognize that there is a simmering situation between the two agencies and it should be settled.

Finally, there is a serious problem with the Federal Maritime Commission and the ship people in America. The fact that the FMC has backed down on the rule for cargo theft reporting is a step back to the dark ages of cargo security reporting. My bill would put an end to this playing around and require that the FMC collect this information and give it to DOT.

That is basically what I intend for this legislation to accomplish. When I introduced it, I only asked one thing—that people not oppose it as a knee-jerk reaction.

However, labor leaders have said that over their dead bodies would any bill talking about employee identification pass. This includes such things as controlling access to the loading area, which is all I am looking for.

And the Ford administration, I believe, will never support meaningful cargo security legislation. This is something that truly perplexes me. This bill would only enhance the effectiveness of the voluntary approach by getting everyone started off on the same foot. Surely the very limited regulations that are called for in the bill cannot be considered as onerous as the administration has described them. Surely these minimal steps to straighten out jurisdictional disputes will not hurt the cause of cargo security.

I admit that the bill I have introduced may need some polishing and smoothing on the edges. I welcome such constructive suggestions from the committee, the industry, from labor and from the Administration.

It is time for Congress to take action to deal with cargo crime. This bill would send a message to the organized theft rings, the burglars, the fences and all the others who are getting rich in this billion dollar scheme. And that message is that the American consumers will no longer be raped on the loading docks of America.

TIME TO REVIEW THE VOLUNTEER ARMY

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. NEDZI. Mr. Speaker, the time has come for the Defense Department, the Congress, and the American people to review the evidence on the Volunteer Army. And the volunteer services.

Personnel costs now make up the major portion of the defense budget. One problem is that military pensions have reached the point where retired military personnel cost the Army as much, or more, than its active duty soldiers. A second problem is that the services, especially the Army, are having problems in recruiting quality soldiers.

As one who had reservations about the Volunteer Army from the beginning, I am pleased that a serious discussion is now beginning on the practical consequences of the end of the draft.

In this regard, the New York Times editorial of January 26, 1977, is a well-crafted and temperate description of the issue. Accordingly, under leave to extend my remarks in the RECORD the editorial is set forth bellow:

WORSE THAN THE DRAFT?

Richard Nixon's promises to end the draft helped him win two Presidential elections. It was only natural therefore, that his Administration and President Ford's, after the December 1972 induction of the last draftee, would express assurance that the Volunteer Army was working well. And they did, repeatedly. Doubts expressed by former Defense Secretary James Schlesinger in his first annual "posture" statement were quickly explained away. All of which stirs our interest in the Pentagon's acknowledgement, in transition papers for the new Administration, of serious trouble in recruiting volunteers, trouble which raises a hard question for Washington and for the country: Can we afford a mass army without some form of conscription?

Despite recession, high unemployment, high pay and extraordinary enlistment bonuses, recruiting began to run into trouble early last year. The armed services fell 19,000 below strength by October. And worse problems are predicted for the future as a result of "declining recruitable population, return to low unemployment rates and reduction in military-vs.-civilian pay comparability."

These problems have developed in the face of sharp increases in spending. In pre-Vietnam 1964, manpower costs accounted for 42 percent of the defense budget. Now, with the armed forces almost one-fourth smaller due to the higher costs, they eat up 56 percent of the defense budget.

Pay for recruits has quadrupled in little more than a decade. An E–2 enlisted man, the second lowest grade, now gets $7,300 a year. A civilian working at the minimum wage gets only $4,800. Yet the quality of Army recruits keeps slipping. Recruiting for the reserves is harder still. It was relatively easy when reserve service was an alternative to the draft. But not now; last June 30, the reserves were 71,000 under strength.

Harold Brown, the new Defense Secretary, says he hopes to reduce manpower costs as an important way of cutting total Defense spending. But the Army, instead, is asking for more; $60 million in emergency funds to step up recruiting and $400 million in incentives for volunteers for the reserves.

The Pentagon background papers prepared for the Carter Administration also warn of public and Congressional concern that the Volunteer Army "may eventually be composed of low socio-economic levels of minority groups." The drift toward a heavily black Army, officered mostly by whites, is documented in one paper. In a population 12 percent black, only 5.3 percent of the Army officer corps is black, while the proportion of blacks in the Army as a whole has risen by half since 1971 to 21.9 percent.

In short, enough problems have now developed that it is reasonable to wonder whether the nation was right to go to a Volunteer Army at all.

What is the alternative? The armed forces could be further reduced, below their current level of 2.1 million. But that is hardly an attractive option during a Soviet military buildup. Military pay and benefits could be raised stil further to remain competitive with civilian employment as the economy recovers. That is the Pentagon's choice. Or we could return to the draft. That now appears politically impossible. The passions and inequities of the Vietnam years lie close to the surface.

But surely, it is not inconceivable that an acceptable version could be devised, perhaps a form of universal service, civilian and military, without exemptions, in theory, this could seek to reduce teenage unemployment and accomplish needed public works as well as provide military manpower. A new Gallup poll shows that two of three Americans favor a year of such service for young men. Even among young men aged 18 to 24, almost half support the idea and 43 percent would choose military rather than civilian service.

It is an option we would urge the President to explore, perhaps through a blue-ribbon commission, before the Volunteer Army is reduced further in size or quality and increased further in cost.

A TRIBUTE TO JAMES COATS AUCHINCLOSS

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. FORSYTHE. Mr. Speaker, James Coats Auchincloss, the Representative of New Jersey's Third Congressional District, for 20 years, died recently in a nursing home. His death is indeed a great loss to the people of New Jersey. Mr. Auchincloss chose to leave his seat on the New York Stock Exchange to begin a political career. I believe that James Auchincloss's devotion and many contributions to his district deserve recognition.

After the reapportionment cut in the 1940's, Mr. Auchincloss also deftly strengthened the Republican position in his district, which after the 1940's won him the support of many. He should best be remembered for his immediate concern for the problems his constituents faced and his ability to act on issues without being led away from his own beliefs.

At the end of his 10th term in 1964, James Auchincloss retired which led people throughout the district to express their regret that he was leaving. With the death of this former representative,

New Jersey has lost a man whose innumerable contributions to his district will never be forgotten.

PUBLIC EMPLOYMENT NOT WORKING

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. COLLINS of Texas. Mr. Speaker, when the Federal Register came out in late December with a list of "proposed projects selected for funding" by the Economic Development Administration, under title I of the Public Works Employment Act, an uproar was created on the floor of Congress because of the unfair and inequitable distribution of the funds. The amount of money available for the awards was close to $2 billion. The object of this legislation was to pump dollars for worthy public works projects into areas of high unemployment to create jobs immediately. The total number of applications from communities across the Nation was 22,275. Only 1,988 were awarded funds, using all the funds available; 65 percent of the money went to rural areas and 35 percent to urban areas. The formula for distributing these funds, which has also come under heavy fire, is based mainly on unemployment percentages—so that Dallas, with almost 900,000 residents and only 4.4 percent unemployment, is far down on the list when compared, for example, to a town of only 7,000 with 10 percent unemployment. The money allocated under this program was to be used as follows: 24.5 percent for public buildings, 20.7 percent for water/sewer/drainage projects, 19.1 percent for schools, and 9.1 percent for streets, roads, and bridges.

In addition to the indignation expressed in Congress over this inequitable funding, the National League of Cities has issued a strong statement of disapproval. Several major cities with high unemployment figures were passed over, while smaller ones were awarded grants. Take Mississippi. The whole State of Mississippi, which ranks 50th economically in the Nation, received a total of $10 million from the EDA to be used statewide—but the tiny, all-black community of Mound Bayou, with a population of only 2,000, was allocated $4.9 million out of this $10 million, or almost half of the funds intended for the entire State. Over the past 15 or 20 years, Mound Bayou, Miss., has received more Federal money per capita than any other city in America. In the past 10 years alone, they have received $80 million. The way the Public Works Employment Act reads now, there is no limit to the amount of money a city or town can request, regardless of population, provided that their unemployment level is higher than 6.5 percent of the national level.

Mound Bayou, Miss., gave as its reason for applying for the EDA grant that it wanted to build a "municipal complex." This would bring it within the act's guidelines that these funds be used for "construction and renovation of public facilities." However, it was learned that only $1 million of this amount would be used for the proposed municipal complex, while the remaining $3.9 million would go for street repairs. The indignation of the Mississippi delegation in opposing the size of this grant crossed party lines altogether. Senator EASTLAND issued a sharp statement to the EDA decrying this concentration of funds in one community as "counterproductive, unwise, and in clear violation of the spirit of the law prohibiting the overconcentration of resources in one area."

In contrast, Dallas applied for $4.5 million to help its unemployed work force and was denied. Mayor Folsom of Dallas has asked the city attorney to see if Dallas can sue to freeze PWEA funds or dismantle the program altogether. He pointed to the tiny Texas town of Azle, in Tarrant County, which has only 7,000 residents and has received $1.2 million in EDA funds. Dallas' 4.4 percent unemployed, representing 40,000 people, are just as much out of work as the total population of 7,000 in Azle.

This Public Employment Act award of $2 billion has provided only 80,000 jobs, which is $25,000 a job. Private employment is able to create jobs with $30,000 of private capital, and private jobs are permanent jobs. Private employment is best. Under President Gerald Ford, our country increased civilian employment from 79 million in 1970 to an all-time record high of 88.5 million today.

Instead of being given incentives for remaining independent of the Federal Government, Dallas is being penalized for being economically self-sufficient. Dallas citizens are supporting with their tax money those other areas within the guidelines of eligibility. It is time for a reappraisal of our national priorities in general, and of the Public Works Employment Act in particular. Let us give tax incentives for business to create permanent jobs and end this bamboozle of public works programs.

HONOR FOR TULSA CIVIC BALLET

HON. JAMES R. JONES

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. JONES of Oklahoma. Mr. Speaker, for the third year in a row, the Tulsa Civic Ballet has achieved the distinction of being selected as a major company by the National Association for Regional Ballet.

I am indeed proud of this high honor, which is one of the finest accolades a company can receive. The designation major company is bestowed on ballet companies with the strongest artistic standards which best serve their communities and national organization.

For years, my wife and I have enjoyed the high-caliber performances of the ballet, and we take great pleasure in knowing that our appreciation is shared by other members of the community as well as professionals in the field of ballet. This particular award confirms our belief that the Tulsa Civic Ballet makes a distinct contribution to our community cultural life in providing the highest quality ballet.

I offer my heartiest congratulations to the Tulsa Civic Ballet and my best wishes for continued success.

PROFILE OF AN ARMY

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. STEIGER. Mr. Speaker, George Will, in his January 30 column in the Washington Post, offered an excellent riposte to those who contend we need a return to the draft or establishment of compulsory national service.

His column, "Profile of an Army," clearly showed that those who are critical of the all-volunteer army have no sound arguments on which to base their opposition. As he said:

> Actually, today's volunteers are remarkably representative of the Nation in terms of region, race and family income.

Equally important, only a small saving would be realized if we returned to conscription and reduced pay for junior enlisted men to the Federal minimum wage. There is simply no justification for doing something like this.

George Will's column bears careful attention. It follows:

PROFILE OF AN ARMY

(By George F. Will)

Frost and fire are not more different than the persons—Sens. John Stennis of Mississippi, Sam Nunn of Georgia, Edward Kennedy of Massachusetts, and Joseph Califano, Secretary of Health, Education and Welfare—who have been most consistently critical of the all-volunteer armed forces. But they all are Democrats.

Some critics dislike the all-volunteer idea; they regard compulsory national service as good for the soul of the citizenry. Most critics have predicted that volunteer forces would be disapportionately poor, "excessively" black, of low quality and unreasonably expensive.

Actually, today's volunteers are remarkably representative of the nation in terms of region, race and family income.

The 10 most populous states have 53 per cent of the nation's male youths and produce 53 per cent of recruits; the 20 most populous states have 75 per cent of male youth and produce 75 per cent of recruits. Contrary to Califano's and others' emphatic predictions, the all-volunteer forces are not "poor men's forces":

26.3 per cent of families and 26.9 per cent of recruits are in the under $8,000 income group.

29.3 per cent of families and 35.1 per cent of recruits are in the $8,000–$13,999 income group.

22.3 per cent of families and 22 per cent of recruits are in the $14,000–$19,999 group.

21.8 per cent of families and 16 per cent of recruits are in the $20,000-plus group.

In 1964, blacks were 10.6 per cent of armed forces' recruits. In 1976, they were 16.9 per cent. The figures for the Army were 13.7 in 1964 and 24.4 in 1976. Obviously a moderately larger percentage of blacks than of whites finds that the armed forces provides an attractive opportunity. So what? The government has no reason—and no right—to worry

about whether there are "too many" blacks in the armed forces.

The quality of today's recruits, as measured by education levels and scores on standardized tests, is better than the quality of recruits in 1964, the last pre-Vietnam year. In 1964, 68 per cent of volunteers were high-school graduates; in 1976, 69 per cent were. In 1964, 42 per cent of volunteers had test scores placing them in the top two of four mental categories; in the most recent quarter the figure was 44.1 per cent.

True, personnel costs have risen from 47 per cent of defense outlays in fiscal 1964 to 58 per cent in fiscal 1977. But that is primarily because military pay has been raised to comparability with private sector employment. But if the nation returned to conscription, comparability would be a requirement of justice. Without conscription, comparability obviously is necessary as well as just.

Few persons who criticize the all-volunteer forces as "unreasonably expensive" favor returning to the scandalous pay rates of 1971. Then many military families were on welfare. And if, today, pay for junior enlisted men was reduced to the federal minimum wage, the government would save just $1.7 billion.

A few easy, reasonable reforms (for example, seeking more women recruits and converting 50,000 military positions to civilian positions) should compensate for any increased recruiting difficulties in years when unemployment is less than it is today, and the number of persons between ages 17 and 22 is smaller.

The most serious predicted skill shortage, of physicians, has not occurred. There are shortages of some skills, and of reserves, but these are problems less substantial than the political and social problems that would be part of any attempt to return to conscription.

Persons who favor military conscription, or other mandatory national service, usually do so for reasons of political philosophy that are independent of the performance of the all-volunteer forces. Suffice it to note that universal military training would produce an absurd surplus of trained manpower over projected military requirements. And a year of mandatory national service for all youths would cost $50 billion annually, if only the minimum wage were paid, and would involve a revolution in national priorities, and values: The U.S. government has never asserted a right, unrelated to national security, to conscript citizens' lives.

My friend Richard Scammon, the elections expert, says that nothing ails the Republican Party that 12 per cent inflation won't cure. But Republicans also can benefit from Democratic criticism of the all-volunteer forces, which are perhaps the finest achievements of the recent Republican years. Most such criticism underscores two Democratic tendencies—statism and casualness about coercion.

UKRAINIAN INDEPENDENCE

HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. RUPPE. Mr. Speaker, on January 22d, the Ukrainian community in the United States celebrated the 50th anniversary of Ukrainian independence. The Ukrainians of southeastern Michigan held special ceremonies to commemorate the occasion, and Michigan's senior Senator, ROBERT GRIFFIN, delivered the main speech.

I would like to take this opportunity to pay tribute to Ukrainian independence, and urge that all Americans join in with over 2 million of their countrymen of Ukrainian descent to give moral support for the freedom-loving Ukrainian people. There are over 48 million Ukrainians under Soviet domination today, and their spirit is just as strong now as it was six decades ago. I am tremendously proud of the work done by the Michigan Ukrainian community in keeping alive their countrymen's hopes to someday have self-determination.

I support the Ukrainian people in their struggle for independence, and hope that with the increasing concern for human rights, the long-sought-after dream of Ukrainian independence will finally be realized.

COST-BENEFIT ANALYSIS OF OSHA

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. HANSEN. Mr. Speaker, currently there is an issue which is being debated by the citizens of our Nation which could have significant impact upon our lives. Quite simply, the question at issue is the preservation of basic constitutional rights as opposed by the future of the Occupational Safety and Health Administration.

There have been claims of pending catastrophic disaster for the working man should the Department of Labor be forced to comply with a U.S. district court ruling in Idaho, a decision which now rests with the U.S. Supreme Court.

However, Mr. Speaker, these forecasts of doom are totally unfounded.

Since the beginning of the 95th Congress I have found it necessary many times to speak out on this issue and I have offered many sources of information for the benefit of my colleagues. Today, I would like to offer further proof that the American public has wasted over $650 million and have been cheated out of meaningful occupational safety and health protection during these past 6 years.

Mr. Speaker, I call your attention as well as the attention of my colleagues to a January 26, 1977, cost-benefit study of the Occupational Safety and Health Administration by the Congressional Research Service of the Library of Congress written by Mary Jane Bolle, Analyst in Labor and Economic Relations, Economics Division.

The article follows:

BENEFITS AND COSTS OF THE OCCUPATIONAL SAFETY AND HEALTH ACT: A REVIEW OF THE AVAILABLE EVIDENCE

(By Mary Jane Bolle)

INTRODUCTION

In December, 1976, the Department of Labor, Bureau of Labor Statistics (BLS) released its report on occupational injuries and illnesses for 1975. The report indicated that after the first three years of the Occupational Safety and Health Act's[1] history in which between 10 and 11 out of every 100 full-time workers suffered an occupationally related illness or injury, the rate had dropped to about 9 injuries per 100 workers in the fourth year. Fully one million fewer workers suffered a job-related illness or injury in 1975 than in 1974. At the same time, the number of workers who were killed on the job or who died as the result of a job-related illness decreased from 5,900 in 1974 to 5,300 in 1975.

Does this mean that the money pouring into the Occupational Safety and Health Administration, under heavy criticism for several years for a number of reasons including its failure to produce noticeable results, is finally paying benefits?

Six years after the passage of the Occupational Safety and Health Act of 1970, questions such as this are being asked and answers are being demanded, aside from issues about the constitutionality of the law. Bills are regularly introduced in Congress to amend or repeal the Act. One of the basic questions underlying much of the proposed legislations is: Are the expenses incurred in maintaining research and enforcement programs under the Act justified by the benefits derived?

The purpose of this paper is to examine benefits produced by efforts of the Occupational Safety and Health Administration (OSHA) in terms of lives saved and illnesses and injuries prevented, and then to examine the costs of administering, enforcing, and complying with the program.

There have been no valid, reliable cost-benefit studies conducted on the Occupational Safety and Health Act. Indeed, such a study is extremely difficult to conduct. The main reason for this is that many of the most important costs and benefits are hard to define and even more difficult to research. Nevertheless, cost-benefit studies generally do not attempt to measure the potential costs incurred or benefits lost by not maintaining occupational safety and health programs, which must also be considered as part of the total cost-benefit picture.

Underlying the search for costs and benefits are several basic questions which must be answered to determine OSHA's cost-effectiveness. These questions will be examined in this paper in the course of presenting available statistics:

(a) Are the standards most strictly enforced and most often cited proportionate to and parallel with the major causes of fatalities, injuries, and occupational illnesses?

(b) How accurate are the statistics depicting numbers of workers killed, injured, and made ill from occupational hazards?

(c) Has the reduction in fatalities and injuries been the direct or indirect result of actions taken by the Occupational Safety and Health Administration, or has it been totally unrelated?

(d) What other reasons could be responsible for the reduction in fatalities and injuries besides occupational safety and health standards and inspections?

BENEFITS

Background: Information gaps

In attempting to gather data to compile an analysis of this type, numerous gaps in the availability of BLS, OSHA and National Institute for Occupational Safety and Health (NIOSH—the research branch of OSHA established by the Occupational Safety and Health Act) support information become readily apparent. These gaps in benefit information, aside from a number of other problems, make definitive determination of a cost-benefit ratio an elusive goal.

First, the BLS does not compile statistics on death, illnesses, and injuries according to cause. Because of this, although OSHA has published a list of the 100 most commonly

Footnotes at end of article.

cited standards for 1975 [2] which account for 71 percent of all standards which it cited in that year, it is impossible to determine whether the violations identified had any relationship to the illnesses, injuries, or fatalities occurring from exposure at the workplace.

Second, statistics are not available on the exact number of people who die each year from occupationally-contracted diseases, and the discrepancy between the number of occupational diseases estimated and actually reported is considerable.

According to the Bureau of Labor Statistics, only 300 deaths were reported as attributable to occupational disease in 1975. Yet NIOSH estimates that at least 100,000 people die each year from occupational-related illnesses. A 1967 study conducted by the Surgeon General estimates that 390,000 new cases of occupational disease occur each year.[3] As another indication of the possible extent of occupational illnesses, national surveys report that 365,000 people died from cancer in 1975, and the greatest concentrations of deaths were surrounding heavily industrialized areas.

A major reason why statistics are not available on the numbers of people dying from various occupationally-induced diseases is that considerable information is lacking on the cause and effect relationship between various workplace exposures and diseases that may have a number of causes. This is called the "dose-response relationship" and determinations of these functions are the responsibility of NIOSH under the OSH Act. Yet with a pool of 1,500 suspected cancer-causing agents and 18,000 toxic substances, NIOSH has, as of December 31, 1976, produced major background papers containing varying amounts of dose-response information on only 65 substances. Only three of these, for asbestos, vinyl chloride, and coke oven emissions, have been translated into actual OSHA standards. OSHA has completed full health standards on only 17 toxic substances, and has adopted exposure limits only for about 400 more.

A third problem in assessing the current effect of OSHA enforcement policies is that there is more than a year's lag between the time the accidents happen and the time the statistics are compiled and made public by OSHA. In addition, there may be as much as a 20 to 30 years' lag between the time workers are exposed to harmful substances and the time their illnesses become evident.

Available statistics on benefits

The Department of Labor, which calculated some statistics on occupational injuries on the basis of the so-called "Z16 standard" [4] before the Occupational Safety and Health Act was passed, now uses a different method for calculating its figures. For this reason, the BLS figures collected before the Act was passed are not comparable with those developed since the legislation was enacted, to determine how the legislation has affected injury statistics.

The National Safety Council (NSC),[5] however, which worked closely with the Bureau of Labor Statistics before OSHA was passed, continues to calculate its statistics according to the Z16 standard. Therefore, to a certain extent NSC figures before and after passage of the Act may be examined to determine historical trends in injury and fatality rates. These long-term trends are discussed later in the paper, after short-term trends are examined. In addition, NSC figures since 1970 may be used as a comparison with BLS statistics since enactment.

Industrial fatalities

(a) BLS and NSC Figures—

Estimates for 1975 by the BLS are that there were 5,300 occupational fatalities—a 10 percent drop from 1974. Estimates by the NSC are that there were 12,600 fatalities, a 7 percent decrease from 1974. The BLS issues no fatality rate. The NSC fatality rate indicates a decrease from 16 to 15 deaths per 100,000 workers in 1975 compared with 1974.

(b) Comparison of BLS and NSC Fatality Figures—

The primary reason for the discrepancy between BLS and NSC figures in absolute numbers of fatalities relates to the different methods of defining the employment universe by the two organizations. NSC fatalities (and injuries) include accidents among government workers (Federal, State, and local); BLS figures include only workers in the private sector. BLS does not include in its employment universe, and therefore has no estimate on, fatalities and injuries for the self-employed, while the NSC does include this estimate in its figures.

NSC fatalities are compiled from information supplied by State vital statistics agencies which keep death records according to age group, place of death—i.e., work, home, etc. The NSC testified that over the years this has been a consistently calculated figure. BLS fatality figures are determined by reports of businesses that fall under the jurisdiction of OSHA and are required to report fatalities to the Department of Labor.

Industrial injuries

(a) BLS and NSC Figures—

Estimates by the Department of Labor for 1975 are that there were 4.8 million industrial injuries. The injury rate dropped 12 percent from 10.0 injuries per 100 workers in 1974 to 8.8 injuries per 100 workers in 1975.

Estimates by the NSC, from a poll of National Safety Council members, are that there were 2.2 million injuries in 1975 compared with 2.3 million injuries in 1974. This poll translates into an increase from 10.2 injuries per million man hours in 1974 to 13.1 injuries per million man hours in 1975. However, the National Safety Council is quick to point out that its injury statistics, based on the aforementioned Z16 standard, are not comparable from year to year because of changes in numbers of reporting firms and increased representation of service, trade, and government reporting firms. The point is made that increased representation of hazardous government services jobs including policemen, firemen, and sanitation plant workers would tend to skew the figure upward. There is no attempt by NSC at any weighting to arrive at injury estimates which are totally comparable from year to year.

(b) Comparison of BLS and NSC Injury Figures—

The discrepancy between BLS and NSC figures in the basic numbers of workers reported injured results from different methods of defining the employment universe mentioned earlier. It also results from the fact that NSC counts only injuries that are disabling beyond the day of the accident, whereas BLS includes all accidents other than very minor ones that require only first-aid treatment.

BLS illness figures

The BLS emphasizes that the recording and reporting of illness continue to present measurement problems, and indicates that there were 700 reported deaths from occupational illnesses in 1974 and 300 cases in 1975. Reports filed with BLS also indicate 163,300 recognized occupational illnesses estimated for 1975, compared with 200,400 for 1974, or a decrease in incidence rate from .4 in 1974, to .3 per 100 workers in 1975. Because these figures are estimated through a sampling mechanism, BLS reports, there is little statistical meaning to be derived from this difference between the two years. This suggests that the science of identifying occupationally-induced illnesses is still in its infancy. The NSC makes no estimates on occupational illnesses.

OSHA and non-OSHA contributions to decline in injury, fatality, and illness rates

There are several possible causes contributing to the decrease in fatality and injury rates between 1974 and 1975 in addition to OSHA efforts.

Both the BLS and NSC indicate that part of the decrease in the injury and fatality rates between 1974 and 1975 can be attributed to a decrease in the general employment rate. Both organizations report that the last people hired are generally the greatest safety risks and, since they are less experienced than workers with more seniority, they frequently contribute to higher injury and fatality rates. Similarly, the last hired are frequently the first fired or laid off in times of employment cutbacks. Therefore, when the same group of people is removed from the employment picture, the injury and fatality rates are expected to decline somewhat, as a result.

The BLS also indicates that part of this decrease in fatality and injury rates may be attributed to the disproportionate drop in manufacturing and contract construction employment from 1974 to 1975. Both of these industries have relatively higher rates of injuries and fatalities than the rest of the private economy.

At the same time, however, the broader, more subtle influence of the Occupational Safety and Health Act and other health and safety legislation, together with numerous environmental protection laws may be symptoms of a growing national preoccupation with personal survival. These Acts of Congress taken as a group may in turn inspire an even greater degree of health and safety caution and effort on the part of workers and employers in protecting themselves and their environment.

A recent Harris poll indicates that 73 percent of the general population consider it "very important" to strictly enforce safe and healthful working conditions.[6]

A study released by the BLS reports that 93 percent of major collective bargaining agreements (those covering 1,000 or more workers) in effect in mid-1974 contain safety and health provisions.[7]

In addition, efforts by various research organizations and private individuals to ferret out, and efforts of the media to publicize, such epidemics of occupational illness as those resulting from Kepone, Vinyl Chloride, and Asbestos poisoning, have also contributed their share to greater awareness and concern on the part of individuals for the healthiness of their workplace environments.

Finally, the law and all these factors may have awakened management to a lot of problems that in the past may have been overlooked or ignored.

Long-range trends in fatality and injury rates—NCS figures

Statistics compiled by the NSC show death rates among the Nation's workers dating back to 1933, and injury estimates going back to 1926.

The industrial accident death rate, which as indicated before is considered by the NSC to be considerably more accurate than its injury rate statistics, has decreased more or less steadily and progressively from a high of 43 deaths per 100,000 workers in 1937, down to 17 fatalities per 100,000 workers in 1970 through 1973 inclusive, and down further to the previously-mentioned 16 fatalities in 1974, and 15 fatalities per 100,000 workers in 1975.

Statistics on the injury rate over time suggest that the frequency rates have decreased from a high of nearly 32 injuries per million man hours in 1926 to a low of 6 injuries per million man hours in 1961 when the working population was about 60 percent of its current level, and have then gradually and slightly increased. At the same time, the NSC reports that the severity rates have steadily

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decreased from a high on the NSC scale (no units listed) of 2,500 in 1926 to a low of 611 in 1971, and 614 in 1974.

NSC stresses, however, that one reason why the injury frequency and severity rates have gone up slightly since 1971 is probably because of the OSHA reporting requirements. As a result, firms are keeping more complete records of injuries. It should also be stressed and reemphasized that NSC statistics are not fully representative of the body of firms included under the OSHA umbrella, as the businesses falling under OSHA jurisdiction cover only 76 percent of all workers and are not parallel in manufacturing/service/government industry makeup.

A major reason for the long-term decreases in fatality, injury, and severity rates

The main reason for the long-range decreases in fatality, injury and severity rates relates to the changing mix of industries comprising the U.S. economy. As automation has swept through heavy industry over the course of the century, the employment population has swung from a concentration in manufacturing where there are typically high injury frequencies and severities to a concentration in service industries, where injuries are fewer and their severity is comparatively light. Moreover, automation has reduced accidents and the severity of accidents within heavy industry.

COSTS

Broadly defined, costs of the Occupational Safety and Health Act fall into three main categories: a) costs to the Federal and State governments to administer and enforce the Act; b) costs to businesses to bring them into compliance with standards and regulations; and c) costs to consumers for purchasing products made under safer and possibly more expensive conditions.

Following is a brief overview of these various OSHA cost components. As with benefits, there are a number of gaps in information available from the Occupational Safety and Health Administration.

Federal and State costs

Federal costs for administering and enforcing the Act for the 1977 fiscal year amount to $130.3 million appropriated for the Occupational Safety and Health Administration in the Department of Labor and $48.8 million appropriated to the National Institute for Occupational Safety and Health. the research branch of OSHA.

Following is a breakdown of the OSHA budget:

	Actual [1]	*Estimate* [2]
Standards	$8,210	$8,338
Training	4,210	18,897
State programs	32,696	35,605
Federal enforcement	59,752	57,616
Statistics	5,448	6,206
Executive direction and administration	3,980	3,671
Total budget	114,980	130,333

[1] Fiscal year 1976, 12 months.
[2] Fiscal year 1977.

Offsetting Federal costs will be a contribution to the U.S. Treasury from penalties collected for violations cited during Federal inspection of workplaces. Penalties assessed are expected to equal $11.5 million for the 1977 fiscal year. Penalties actually collected and remitted to the U.S. Treasury are expected to equal about $7 million for FY '77.

In addition to Federal funds appropriated for OSHA, the 23 States (plus the Virgin Islands administering their own State OSHA plans have budgeted a total of $32.1 million for the 1977 fiscal year. States without OSHA State plans have budgeted another $3.5 million for onsite consultation. All these funds are matched by Federal funds earmarked for State programs as indicated in the previous chart.

Industry costs

The credit to the U.S. Treasury represents the penalty costs to businesses under the Act. Other industry costs are legal costs connected with protesting a citation or penalty, for which no reliable estimates appear available at the present time, and costs of technological changes made by businesses to bring them into compliance.

Two industry sources offer estimates on the amount of money business spends to comply with the OSH Act. The Fourth Annual McGraw-Hill Economics Department Survey of businesses to determine the amount of money devoted to OSHA compliance, estimates that $3.2 billion was expended by business on health and safety protection for employees in 1976.[8] This figure represents an increase over the $2.5 billion estimated for 1973, and a decrease from the $3.5 billion estimated for the industry in 1972. There are no indications on how much would have been spent on occupational safety and health protection in the absence of the OSH Act.

To many, these dollar figures appear to be a substantial investment. However, the NSC's estimate on the amount companies lost in 1975 because of work accidents alone is nearly five times these yearly amounts, or $16.0 billion.[9]

Another survey, conducted in 1974, suggests the amount of money individual companies may have spent to comply with the OSH Act: A National Association of Manufacturers (NAM) survey estimated expenditures for businesses generally for safety and health compliance at $35,000 for firms of 1–100 employees, $73,500 for companies of 101–500 employees, and $350,000 for establishments of 501–1,000 employees.[10]

Because these figures were derived by surveying business establishments which had not actually made the improvements yet, but for which employers were estimating what costs of compliance might be if they were to make them, the number might not represent the actual costs of compliance. Another indication of dollars spent by businesses on compliance might be gleaned from the dollar value of loans granted to "small businesses" [10] to accomplish technological changes required for compliance. In the first four years of the program, between 1971 and 1975, 1312 loans totaling $28.8 million were granted. This averages out to about $20,000 per loan.

Costs to consumers

Figures on the contribution to the Consumer Price Index resulting from business expenditures for safety and health technology, legal fees, and penalties paid for violations cited are difficult to estimate.

However, indications are that the total percentage contribution to the CPI by OSHA costs is not particularly great in total national impact. The vinyl chloride standard was one of the more expensive OSHA standards to implement. Before it was promulgated, industry witnesses testified that the entire vinyl chloride production industry would close down because of unmanageable costs of meeting a "zero parts per million" exposure level for vinyl chloride workers. A follow-up study estimates that the actual economic impact of the vinyl chloride standard after implementation has been to raise prices of items made from the vinyl chloride plastic approximately 6 percent. However, the follow-up study has shown that machinery developed and utilized by industry to meet the standard increases efficiency and will ultimately cut rather than raise production costs.[12]

SUMMARY AND CONCLUSIONS

It can be argued that the greatest benefits from the Occupational Safety and Health Act, in relation to cost expenditures, come from enforcing standards which when violated cause the greatest injury. Yet, as indicated earlier, the Department of Labor has no statistical information to affirm or deny whether the 100 standards most strictly enforced and most often cited are most directly related to the major causes of fatalities, injuries, and illnesses.

Both the National Safety Council and the Bureau of Labor Statistics figures have indicated a decrease in occupational injury and fatality rates since the Occupational Safety and Health Act was passed. However, other causes besides OSHA may have been partly responsible for the decline which began historically long before the Act's passage, and reached its lowest level so far in 1975.

These include the direct and indirect influence of the Occupational Safety and Health Administration as well as outside economic factors—especially the continued shift of workers from high safety risk manufacturing to low safety risk service industries, and the continuing impact of modernization and automation of the workplace.

Health benefits so far from the Occupational Safety and Health Act appear to be few. Scientists estimate that as much as 85 percent of our Nation's high rate of cancer may be environmentally induced. Development of effective standards for health hazards continues to lag behind that for safety hazards. Health regulations cannot be promulgated and enforced until the necessary research information is available. The Department of Labor has no statutory authority over the research that the National Institute for Occupational Safety and Health (NIOSH) conducts. Coordination between the two agencies to develop dose-response relationships on the 1,600 suspected cancer causing agents and translate them quickly into OSHA standards is not complete.

The Department of Labor has, however, undertaken a number of projects to speed up the information-gathering and standards-promulgation process. One of these undertaken in conjunction with NIOSH is the Standards Completion Project which aims to write full standards for the 400 toxic substances for which exposure limits alone (many now outdated) were incorporated from the American Conference of Governmental Industrial Hygienists (ACGIH) listing soon after the Act was passed. These limits have not been updated by OSHA one by one in accordance with new ACGIH levels because of the lengthy promulgation procedure mandated by the Act.

It seems apparent that the real benefits of the Occupational Safety and Health Act must come in the health area. Toxic substances, rather than killing and injuring people singly as industrial accidents frequently do, have an almost universal harmful effect on the human organisms inhaling and absorbing them into their systems. Where the potential for human harm is the greatest, the potential for health salvation, through promulgation and enforcement of much-needed standards is also at its maximum.

FOOTNOTES

[1] P.L. 91–596.

[2] Reprinted in the Bureau of National Affairs' Occupational Safety and Health Reporter, vol. 5, no. 41, March 11, 1956, p. 1357.

[3] The Job Safety and Health Act of 1970. Washington, D.C. Bureau of National Affairs, 1971, p. 13.

[4] The Z16 standard was developed by the American National Standards Institute as a method of recording basic facts relating to the nature and occurrence of work injuries.

[5] Chartered by an Act of Congress in 1953. Source of NSC statistics: Accident Facts, 1976, Chicago, Illinois, National Safety Council, p. 23–29.

[6] 44 Percent Think Quality of Life Has Worsened in Decade, the Washington Post, Monday, No. 8, 1976, p. A 8

[7] New Publications. Daily Labor Report. The Bureau of National Affairs, Jan. 5, 1977, p. A–11.

[8] Occupational Health and Safety Letter. Washington, D.C., Gershon W. Fishbein. Vol. 6, no. 11, June 8, 1976, p. 6.

[9] Accident Facts, 1976 Edition. Chicago, National Safety Council, 1976, p. 5.

[10] "What It's Costing Industry to Comply with OSHA," Occupational Hazards, Fall 1974, pp. 8–9.

[11] "Small businesses" is defined by a number of parameters under the Small Business Act.

[12] Vinyl Chloride Industrial Abstract of Case Study. Center for Policy Alternatives, Massachusetts Institute of Technology, Boston, 1976, xii pp.

REHAB CENTER MERITS PRAISE

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. GIAIMO. Mr. Speaker, throughout the Nation, hundreds of facilities are working to enable our handicapped citizens to enjoy productive lives. I believe that the Easter Seal Goodwill Industries Rehabilitation Center in New Haven, Conn., is one of the best.

Through the able leadership of its Executive Director Carl V. Puleo, the center has shown the people of the third district that a physical handicap need not preclude a useful life. I am particularly proud of the center's projects with industry program which has helped place the center's clients in productive jobs in various industries in and around New Haven.

Recently, the Commission on Accreditation of Rehabilitation Facilities approved the recommendation that the center be accredited for its programs of physical restoration, vocational development, sheltered employment, speech pathology, and work activity. This is a great honor for the center, but the accreditation also imposes on the center a great responsibility to continue to provide the high quality of rehabilitation services for which it was cited.

I know that Carl Puleo, his staff, and everybody associated with the Easter Seal Goodwill Industries Rehabilitation Center of New Haven will continue to meet the challenge of the future.

At this time, I would like to insert an editorial from the New Haven Register on the work of the center.

[From the New Haven (Conn.) Register, Dec. 9, 1976]

REHAB CENTER MERITS PRAISE

The Easter Seal Goodwill Industries Rehabilitation Center of New Haven deserves congratulations for becoming the first such facility in New England to be accredited in five different areas of service and more importantly, for refusing to rest on its laurels, as evidenced by official statements following announcement of the action by the board of trustees of the National Commission on Accreditation Facilities.

The local rehabilitation center has been accredited by the national commission in the areas of physical restoration vocational development, sheltered employment, speech pathology and work activity, a truly commendable accomplishment worthy of community note.

But far more impressive is the attitude of Carl V. Puleo, executive director of the rehabilitation center. He said, "While we are extremely pleased with this splendid recognition, the challenge is clear: We must institute the most effective possible research to verify the value of our on-going programs. This facility has now been accredited, but it is no guarantee that our work is productive beyond the treatment phase. We must now prove our worth these next three years . . ."

It is just that kind of outstanding attitude, that refusal to rest, that will, indeed, prove the worth of the facility to the community and to those it services. And, undoubtedly, if that attitude can be maintained. Puleo will see his desire of "ever more effective rehabilitation services" realized in future years.

ANTICRIME LEGISLATION

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. LEHMAN. Mr. Speaker, on January 4, I introduced two bills which, if passed, will contribute greatly towards the improvement of our criminal justice system.

The first bill, H.R. 484, would amend title 18 of the United States Code and title 23 of the District of Columbia Code to grant courts the power to deny pretrial release to persons charged with the commission of certain crimes of violence. This would prevent a criminal from getting back out on the street to commit even more violent crimes before his trial has commenced. We have seen too many incidents where the suspect is out of jail before his victim is out of the hospital. Granting this power to the courts is a clearly justifiable and necessary step in view of past experience.

The second bill, H.R. 470, would amend title 18 of the United States Code so as to establish a U.S. Commission on Sentencing. I am sure that most judges are fair and honorable, but they nonetheless will exhibit a wide range of opinion when sentencing a convicted party. Such differences are not helpful to our system of criminal justice. The law must be consistent to be respected. Through the passing of this legislation, guidelines will be provided so that imprisonment, fines and probation will be in keeping with the nature of the crime and history and character of the defendant. These guidelines will be set down by the U.S. Commission on Sentencing, which will be established as an independent Commission in the judicial branch. It will consist of five members who shall be appointed by the U.S. Judicial Conference.

Surely, one of the most formidable challenges facing us today is the ever-increasing crime rate. To effectively deal with this problem, it is not enough to assign more policemen to street duty or invest in sophisticated technology to track down criminals. All these measures are useless without substantial reform of the courts, which must decide the fates of these criminals. It is a matter of common knowledge that the revolving door of criminal justice is not merely a cliché. The courts are simply not equipped to handle the flow of cases. This results in cases being weakened by lengthy delays, excessive plea bargaining, and suspects back on the streets repeating the same criminal actions and eluding the law.

Mr. Speaker, the legislation I have introduced will mark two important steps toward a solution of this complex and serious problem. I commend this legislation to all of my colleagues of the 95th Congress and urge them to pass these bills to make our country a safer and more just place in which to live.

AMENDING THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974

HON. JOSEPH L. FISHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. FISHER. Mr. Speaker, Arlington County, Va., which is just across the Potomac River from Washington and is in the district I represent, would be considered by most observers to be an urban county. It is an older suburb which experienced its first spurt of suburban growth with the development of trolley lines extending out from Washington after 1900. By the time of the rapid growth of the World War II period, Arlington was already well established. Within its 25 square miles live 157,000 people. This denseness of settlement is more like that of a city than the usual sterotype of a sprawling suburban county. The Arlington County manager form of government is very much like the charter of a city in Virginia. Yet, in spite of its urban characteristics, Arlington is not considered an urban county under the Housing and Community Development Act of 1974.

Currently the Housing and Community Development Act states that an urban county is any county within a standard metropolitan statistical area which has a population of 200,000 or more and which is authorized by State law to undertake development activities in any of its unincorporated areas. The reason for creating the category of urban county, according to the House Banking and Housing Committee report on the original legislation, was to recognize the role that suburban counties play in physical and social development in metropolitan areas. It was also meant to identify counties with the willingness and power to undertake community renewal and moderate-income housing activities.

Urban counties which meet this definition are eligible for automatic entitlement grants to finance local housing and development programs. Other counties, as well as communities which are not defined as metropolitan cities of more than 50,000, must apply to the Department of Housing and Urban Development to compete for a very limited amount of discretionary grant money. Many of these so-called nonentitlement communities get little or no money under this law.

Because Arlington's population is below 200,000, it does not meet the standard for an urban county required by the

Housing and Community Development Act. The bill I am introducing today will make it possible for a densely populated county like Arlington to be designated an urban county. My bill will make either population of 200,000 or population density of at least 5,000 people per square mile the measure for determining entitlement, in addition to the other criteria already in the act. This seems to me to bring the effect of the law into accord with the intent expressed in the committee report. I do not believe that the intent was to prevent a county such as Arlington from being considered an urban county. No county in the United States other than Arlington has a population under 200,000 and a density of at least 5,000 per square mile. My bill will amend the Housing and Community Development Act to recognize the unique situation of Arlington County without creating a new category of entitlement communities.

SEVEN ESSENTIAL QUESTIONS

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. GOLDWATER. Mr. Speaker, I would like to bring to my colleague's attention an excellent article by James J. Kilpatrick concerning the economic disaster awaiting this country unless we, in this body, begin to take stock of our spending habits. Furthermore, I believe that if every Member of this House consistently asked himself or herself the questions listed in the article before introducing or voting on any scheme that costs money, this country would not be in half the economic mess we are in now. Ladies and gentlemen, I beg of you to consider the economic consequences of continuing as we have, because simply stated, there is a limit to what the private sector can contribute to the public sector and continue to exist. The article follows:

FORD'S SEVEN QUESTIONS ABOUT FEDERAL SPENDING

(By James J. Kilpatrick)

In one of his final acts as president, Mr. Ford last Monday sent to Congress his proposed budget for 1977–78. The figures, as always, were breathtaking; events will prove them not breathtaking enough. But the figures are less important than the questions Mr. Ford raised in his farewell message.

The principal figures have been well publicized in the past few days, but the publicity is futile. No one can comprehend an income of $393 billion and an outgo of $440 billion. Few persons can comprehend even $1 billion. When we are told that the federal debt at the end of the 1978 fiscal year will amount to $785 billion, the information holds no meaning. Temporarily, skip the figures.

In his message, Mr. Ford said that in shaping his budget he had asked seven questions of both existing and proposed federal programs. In the field of public spending, seven better questions have seldom been asked. These are the questions:

(1) Is this activity important to our national security or sense of social equity?

(2) Is this activity sufficiently important to require that we tax our people or borrow funds to pay for it?

(3) Must the federal government raise the taxes or borrow the funds or should state or local government do so?

(4) Should the federal government direct and manage the activity or should it limit its role to the provision of financing?

(5) How has the program performed in the past? Have the benefits outweighed the costs of dollars or other burdens imposed?

(6) Have the benefits gone to the intended beneficiary?

(7) Does this activity conflict with or overlap another?

I would have emended Ford's first two questions in one respect: I would have changed "important" to read "necessary." When it comes to spending money that is taken from the people under the compulsion of taxes, one elementary rule should suffice. If a program is truly necessary, the money must be spent; if the program is not necessary, the money should not be spent at all.

In his second question, Mr. Ford went to the business of borrowing funds to pay for federal programs. Borrowing has become one of our government's most active functions—and one of the most alarming. Last year the government borrowed $83 billion from the public; this year it will borrow $62 billion; next year $55 billion. That is $200 billion over a three-year period, diverted from capital needs of the private sector.

Even in terms of inflated dollars, and even in comparison to the Gross National Product, this is a monstrous indebtedness. Mr. Carter's programs will make it more monstrous still.

Questions three and four go to the venerable principle of federalism. The principle gets more anemic all the time. Mr. Ford's budget proposes state and local grants of $71.6 billion. Such grants have this defect, that they give the state and local governments the pleasure of spending the money without the pain of raising it. The process undermines the very structure of local responsibility.

To his credit, Mr. Ford proposed to undermine the structure more efficiently. He would consolidate 19 categorical programs in health, 23 in education and 15 in child nutrition into three block grants only. If Congress ignores the howls of the bureaucracy at this affront to their paper magistracies, Mr. Ford's proposal should help.

Questions five, six and seven are closely linked. Whether a program involves food stamps, housing subsidies, child nutrition or medical care, Congress ought constantly to be asking: Does the program work? Does it work efficiently? In terms of the money taken away from the people, are the people getting value received?

With the change of a word here and there, state and local governments should be asked the seven questions of their own programs. The states and localities also are deeply in debt; they too are plagued by bureaucracies embedded in concrete.

Governmental spending, at all levels, now embraces 34 per cent of our Gross National Product. The percentage rises inexorably, suggesting two final questions to ponder: Where is this trend taking us? And, do we truly want to go there?

LEGISLATION INTRODUCED FOR THE RELIEF OF SU-HWAN CHOE

HON. HERBERT E. HARRIS II

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. HARRIS. Mr. Speaker, today, I am introducing a private relief bill for Su-Hwan Choe who is seeking adoption by Colonel and Mrs. Thomas M. Jones of Alexandria, Va.

The Joneses first met Su-Hwan in 1975 and since then have affectionately considered him as an integral part of their family. They are vitally concerned about his immediate needs and well-being, having offered him financial assistance and help in finding programs and employment to improve his career qualifications. The Joneses would like to continue to assist him and include him in their future plans in the United States through the adoption process. Unfortunately, his age of 29 prevents him from qualifying as an adopted son under U.S. immigration rules and adoption procedures in the Republic of Korea.

Colonel Jones explored educational opportunities for Su-Hwan but was advised that admission requirements for all universities within Korea are almost exclusively limited to those students recently graduated from Korean high schools; thus, the length of time since he completed high school eliminates any chance for him to pursue an education and develop further skills.

It would appear that this young man will continue to encounter administrative and financial barriers to personal advancement within his own country. Therefore, I believe the plight which faces both Colonel and Mrs. Jones and Su-Hwan is worthy of our consideration. We have an opportunity to make it possible for this young man to make a contribution to our country as well as to enrich the lives of the Joneses who, having had no children of their own, are eager to welcome him as their son.

FRAUD AND ABUSE IN MEDICAID AND MEDICARE

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. RAHALL. Mr. Speaker, I join my colleagues today in cosponsoring legislation designed to address the problems of fraud and abuse in the medicaid and medicare programs.

Medicaid and medicare are our primary public programs for financing health care services to our elderly, to our disabled, and to our poor and broken families. These services help to pay for sorely needed medical care. But unfortunately during the past several years these services have been abused and in some cases outright fraud has occurred where medical providers have provided poor service or unnecessary service or no service at all and billed the programs for extensive amounts. We must see that these practices are not allowed to continue.

Improving the administration and management of our medical care programs is an obligation we all share. Necessarily, much of the burden of this task must fall on HEW and the State agencies that administer medicaid. But by tightening up the legislation we can assist them in this task.

There are many complex problems of fraud and abuse in our medical care programs. They involve inadequate numbers of able personnel administering the program at the State and Federal level; drastically inadequate data systems in many State medicaid programs; slow payments to providers which allow fraud and abuse to flourish; unethical providers; a reimbursement system which too often encourages overuse; and a lack of alternate high-quality facilities to serve the poor, particularly in areas of our major cities. This single bill will not solve all the many problems in our medicaid system—no one bill could. But this is a necessary first step which will increase the tools available to HEW and the States to find and prosecute fraud and abuse. Unscrupulous providers will be put out of the programs. Hopefully, it will serve as a first step in a strong and continuing cooperative effort with the new administration to improve our publicly financed medical care programs.

LIFELINE RATE ACT OF 1977

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. LEHMAN. Mr. Speaker, electrical energy is an indispensable necessity of our modern way of life. It is a lifeline which sustains virtually every American household. To assure an adequate supply of electricity for residential users, at a reasonable cost, and to encourage energy conservation by both residential and industrial consumers, I introduced H.R. 469, the Lifeline Rate Act of 1977, on the first day of the 95th Congress.

Since the acute stage of our ongoing energy crisis three years ago, many Americans have quietly practiced energy conservation—sometimes out of necessity. Soaring electric bills have caused many families to curtail their consumption of electricity, but continuing escalation of electric rates is now forcing some to cut back to subsistence levels or less, and excessive rates are even forcing some families to make hard choices between electricity and other essentials.

Large industrial users of electricity, by contrast, have long enjoyed significantly lower rates per kilowatt-hour than residential consumers have paid. Indeed, the more they use, the lower the unit costs become. This is hardly likely to encourage industrial conservation; in fact, it encourages wasteful consumption and leads to ever greater drains on our limited resources.

This major discrepancy in our electrical rate structure has actually promoted the increased and often wasteful use of electricity by one class of user, while forcing another class to struggle to pay for limited but essential quantities of power. This rate structure is backward, in terms of both equity and national energy policy.

The Lifeline Rate Act of 1977 would turn the rate structure around and ease the heavy burden on American residential consumers. It would require individual State or regional regulatory authorities to establish the quantity of kilowatt-hours which is the subsistence level for residential use in that State or region, making allowances for seasonal or climatic variations. The subsistence level of electricity is defined as the quantity needed for cooking, refrigeration, heating, and cooling, and the rate charged for that amount would be the lowest rate per kilowatt-hour charged any class of electric consumer. In addition, the lifeline rate could not exceed the average of residential rates in effect as of December 31, 1975.

Since higher rates would be charged for any residential consumption over the subsistence level, this measure would assure an essential supply at low cost and discourage excessive consumption over that level. It would also remove large industrial users from their current favored position and encourage more careful consumption by industry.

Mr. Speaker, conservation must replace waste as the operative description of this Nation's energy habits. An electric rate structure which encourages conservation is a vital part of any energy conservation efforts, and, indeed, of any national energy policy, and my bill would provide such a structure. In order to maintain a civilized society, we must be sure to provide adequate electricity for American homes while protecting our limited fuel resources from waste and misuse.

The text of the Lifeline Rate Act of 1977 follows:

H.R. 469

A bill to reform residential electric utility rates

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Lifeline Rate Act of 1977".

PURPOSE

SEC. 2. It is the purpose of this Act to reform electric utility rate charges to residential customers by providing for a more equitable distribution of electric utility rate charges among classes of electric energy users by requiring electric utilities to prescribe minimum rates and charges to residential users of electric energy in order to meet their basic necessities of modern life which will encourage the wise and prudent use and conservation of scarce energy supplies.

LIFELINE RATES

SEC. 3. (a) No rate schedule of an electric utility shall provide for a rate under which the charge per kilowatt-hour to a residential electric consumer for a subsistence quantity of electric energy in any month for such consumer's principal place of residence exceeds the lowest charge per kilowatt-hour to any other electric consumer (within the jurisdiction of the regulatory authority which has ratemaking authority with respect to such rate schedule) to whom electric energy is sold by such utility (or any electric utility which controls, is controlled by, or under common control with, such utility). Such rates shall not exceed the average residential rates in effect as of December 31, 1975.

(b) For purposes of this section, the term "subsistence quantity" means a number of kilowatt-hours which the regulatory authority determines is necessary to supply the minimum subsistence electric energy needs of residential electric consumers at their principal place of residence for the following end-uses: heating, lighting, cooking, cooling, and food refrigeration. In determining the minimum electric needs of residential consumers the regulatory authority shall consider seasonal fluctuations in climate and consumption patterns.

ENFORCEMENT

SEC. 4. (a) No electric utility may sell electric energy except in accordance with a rate schedule which has been fixed, approved, or allowed to go into effect by a regulatory authority. No regulatory authority may fix, approve, or allow to go into effect any rate schedule which violates section 3.

(b) If any person alleges that a regulatory authority's action, or failure to act, violates subsection (a)—

(1) in the case of a regulatory authority which is a Federal regulatory authority (or which is a State regulatory authority whose action or failure to act is not reviewable by a State of competent jurisdiction), such person may obtain review of such action or failure to act, insofar as it relates to a violation of subsection (a)—

(A) in any statutory review proceeding which is otherwise applicable to such action or failure to act, or

(B) if there is no such statutory review proceeding applicable to such action or failure to act, by commencing a civil action in the United States court of appeals for any circuit in which the utility sells electric energy, which court shall have jurisdiction to review such determination in accordance with chapter 7 of title 5, United States Code; and (2) in the case of a regulatory authority which is a State regulatory authority, such action, or failure to act, insofar as it relates to a violation of subsection (a)—

(A) may be reviewed by any State court of competent jurisdiction, and

(B) if such action is reviewable by such a State court, may not be reviewed by any court of the United States, except by the United States Supreme Court on writ of certiorari in accordance with section 1257 of title 28, United States Code.

EFFECTIVE DATE

SEC. 5. The provisions of this Act shall take effect ninety days after enactment and remain in force for a period of not less than five years thereafter.

UKRAINIAN INDEPENDENCE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. DINGELL, Mr. Speaker, the commemoration of the anniversary of Ukrainian Independence is a time for honoring the freedom-loving people of the Ukraine and their continued aspirations for self-determination.

The inspiring proclamation of a free Ukraine on January 22, 1918, remains a beacon of hope and courage to the captive peoples of Eastern Europe and the world. Their desires for liberty and basic human rights which have been suppressed by military and political domination are no less recognized now than in the past. A common heritage, religion, and love of a homeland have maintained the bonds of national unity. It is this bond, a bond between brothers and sisters, a bond recognized between all free men, that brings us together in commemorating this anniversary.

I join with my many friends of

Ukrainian descent to reassure the world that these shared beliefs in national, individual, cultural, and religious freedoms are not forgotten.

DEREGULATION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. HAMILTON. Mr. Speaker, I prepared a statement for use at the Indiana Highway Contractor's annual convention in San Francisco, Calif., on January 24, 1977. That statement, entitled "Deregulation," is inserted in the CONGRESSIONAL RECORD for the benefit of my colleagues:

DEREGULATION

I. THE IMPORTANCE OF THE TOPIC OF OVERREGULATION

A. A Crisis in confidence

Any sensitive politician is aware that people are wondering about the competence of government to deal with the problems that concern them most. Complaints about the performance of government pour into every public official's office, coming from persons as varied as the university president (who cannot easily cope with the reams of new regulations in higher education) and the food stamp recipient (who cannot quickly claim his stamps).

Most people simply are not satisfied with the performance of government. They expect their government to work better. The challenge of this expectation may be the most fundamental problem before those of us in public office today.

B. Regulation

One of the reasons for this lack of confidence in government is the poor performance of the new regulatory mechanisms established in recent years in the areas of pollution control, industrial health and safety, consumer product quality and safety, and the like. These new regulatory mechanisms have begun to generate a backlash of resentment against excessive red tape, bureaucratic control and the loss of freedom.

Present government performance causes most Americans to see a danger in moving more and more decisions to Washington. It also causes widespread disenchantment with the ability of government to intervene effectively on behalf of the people.

What concerns Americans, even when they want their government to act, is the fact that government action is frequently ineffective, wasteful and inefficient.

So a principal way in which we restore confidence in government is to make government work better.

II. THE PRESENT REGULATORY SYSTEM

A. Growth

The growth of Federal regulatory activities has, of course, been striking. Although there may be no really good way to quantify this growth, a few facts are sufficient to indicate a trend.

Even as late as the middle 1950's there were only four main areas in which the Federal Government had major regulatory responsibility. Those areas were anti-trust; financial institutions; transportation; and communications.

But in 1976 there were 77 Federal agencies engaged in regulating some aspect of private activity. 50 of those agencies had been created since 1960 and all but 10 since 1930. By one count there are 100,000 Federal employees working as regulators of one sort or another.

The total budgets of regulatory agencies have soared from $1.3 billion in FY 1972 to $3.0 billion in FY 1976. The latter figure constitutes nearly 1 percent of total Federal outlays in FY 1976. In 1975 alone some 10,245 new regulations appeared, adding to the 60,000 pages of regulations already in existence.

Of course, there are other factors that cannot be easily computed. For example, how many hours do talented people spend wrestling with the mass of government forms? With 5,146 different forms in use as of June 30, 1974, experts estimate that as many as 130,000 man/hours per year *may* be required to fill them out!

B. Complexity

The distinguishing marks of today's regulatory activity are its staggering complexity and the elusiveness of its objectives. The Federal Government tries to regulate—

60,000 sources of water pollution;

100 million pollution-emitting vehicles on the road;

Health and safety in all working places in the country; and

The structure of health care systems and Federal manpower programs.

Even older programs, such as the Federal Highway Program, have become much more complicated. We no longer just build highways. Through a variety of means we now encourage comprehensive transportation and urban development plans to deal with problems of transportation and urban growth.

Worst of all, the regulatory process in all of its facets (promulgation, implementation, enforcement, *etc.*) has become highly legalistic. It is no exaggeration to say that lawyers, many of whom are well intentioned, are smothering the regulatory process. A knowledgeable observer of this phenomenon has remarked that regulatory agencies and regulated businesses "are entitled to their day in court, but not *all* day!"

C. Debate about the regulatory system

One danger of any full-scale assault on the deficiencies of regulatory agencies and processes is that we may fall into the trap of believing that all regulations are bad. This is certainly not the case.

We should first understand the scope of the debate. There is *no* talk of "deregulation" today if by that term one means the elimination of any regulation whatever. Rather, there is concern about the modernization and reform of the regulatory system.

Most of us in Congress accept the fact that the regulatory system is not working well. But we do not believe that total deregulation will solve the problem. The engine needs a major overhaul; the whole car need not be junked.

D. Defects of the present system

The present regulatory scheme has failed to lead to substantive solutions to important problems. Instead, it has led to further problems of enforcement; unacceptably high costs of enforcement; too much rigidity to handle all the individual situations that a complex economy creates; and "time-lag" and delay in regulatory decision-making processes.

We are so enamored of the regulatory process that we have ended up extending government control far beyond what is necessary to achieve our objectives.

We have begun to transfer more and more decisions about individual economic activities from the marketplace to the government office. But regulations, however detailed, cannot be written to cover all the individual situations that arise. For example, consider:

1. Clean Air Regulation

The present regulatory system for clean air is rigid and uncompromising. We have primary standards, specific emissions limitations, secondary standards, non-degradation, and all the rest. The law assumes that pollution damage is nil up to a given standard and the infinite above that standard. Such an unwarranted assumption is useless and even harmful.

2. Water Quality Regulation

The regulatory system to control water pollution is also unsatisfactory. We rejected the initial approach of establishing water quality standards, and now we have moved to the 1972 law which requires the Environmental Protection Agency to set specific effluent limits on pollutants. No one stops to think that there are 60,000 sources of water pollution in the United States, 9,000 of them major. The issuance of 45,000 individual plant permits notwithstanding, the EPA simply cannot do what it is charged by law to do. In effect, we have established in the EPA a central agency to determine a detailed strategy for controlling *every* polluting source in the country! It just is not going to work.

There is a much more promising way to control water pollution. I shall discuss it in a moment.

3. Occupational Safety and Health

Based on the history of the inspection of places of work by the Occupational Safety and Health Administration, even a large industrial plant is likely to be visited by an OSHA inspector only once every 10 years. OSHA is regulating the trivial in such exquisite detail that it cannot begin to do many of the important tasks assigned to it.

Under the present regulatory system we develop increasingly detailed standards of performance as we shift the enforcement mechanism from the marketplace to the government office. More and more economic decisions are then made not only by bureaucrats, but also by judges. The courts are called upon to determine whether decisions are compatible with the standards set forth in legislation, and they are obliged to interpret such arcane phrases as "economically feasible."

E. Reasons for overregulation

We all agree that a principal defect of our present regulatory state of affairs is overregulation. There are several factors that push us toward more regulation. Those factors are:

1. Industries and Unions Want Regulation

A major factor is the desire for regulation on the part of certain industries and the unions associated with them. For example, the trucking and railroad industries and their unions support price-fixing regulations. But all too often this sort of regulation has grown into a set of rigid rules prohibiting competition between companies and closing new companies out of the market. Other problems pile up. As concerns the trucking industry, circuitous routes, empty backhauls and inflexible pricing systems have taken their toll in efficiency. An equally wasteful system of regulation has grown up in the airline industry.

2. Uncompetitive Industries

Another factor that gives rise to more regulation is the less-than-competitive character of some industries. If the private market economy is working well, it is efficient. If there are high levels of production and genuine competition, regulation is unnecessary. But if the private market economy is lagging or not functioning at all, there may be a need for regulation. We observe this again and again in the area of public utilities.

3. Market Does Not Reflect the True Economic Picture

Sometimes regulation is needed because the market does not reflect economic realities. Pollution is the classic case. For hundreds of years the environment was treated as a free resource. We made maximum use of the air and water as free "sinks" for our waste products. We paid no attention to the impact of new technologies on our atmosphere, lakes and rivers. We designed auto-

mobile engines with speed, acceleration and low production costs in mind. We did not worry about smog-creating emissions. We built steel and paper mills that used incredible amounts of water in order to economize on labor and other costs. We did not concern ourselves with water quality.

4. Complexity of Newly Regulated Areas

The most important cause of the growing burden of government intervention in the marketplace is the sheer complexity of the new areas targeted for regulation. Undertaking the building of a $10 billion interstate highway system was no small decision. But when compared to the intervention by government in such fields as health care and pollution control how easy it was to execute!

F. Alternative approach

Many of us have come to the conclusion that we just cannot go on imposing regulations over an ever-widening region of economic and social activity.

There is no simple answer to a complicated problem, and a complicated problem is what we are facing when we attempt to regulate the pollution of the environment, the delivery of health care, the safety and health of workers, *etc.*

When the government tries to deal with situations that are complex, situations involving millions of interactions among people, businesses and subdivisions of government, it may very well be asked how the government can best achieve its ends.

Relying on a regulatory bureaucracy to carry out social policy on such a scale simply will not work. There are too many actors, too much technical knowledge, and too many different circumstances to cope with, no matter how well staffed the bureaucracy is.

We in Congress are going to have to begin to look into alternative approaches that will employ the self-interest of individuals and business firms. Only through these approaches can we move toward desirable social goals.

III. WHAT CAN WE DO TO IMPROVE REGULATION?

A. Extreme proposals

Before discussing these new strategies to curb regulation, let me mention two things that we should *not* consider if we want to improve the regulatory process. The extreme postures are:

1. No Intervention

Some people believe that the problems caused by government intervention are so great that government intervention can never be justified. These people will say that the cure is worse than the disease, and that regulation can never be made efficient.

2. More Intervention

Other people argue that there is really nothing wrong with government intervention. They think we need better laws, better politicians, less special interests, more capable administrators and more money for underfunded regulatory programs.

In my estimation neither of these proposals gets to the heart of the matter. All of us agree that we are going about the business of intervening in the market in a bad way. As concerns occasions for intervention, we do not do a good job of sorting out the frivolous from the imperative. Furthermore, we waste fantastic sums of money doing what we do.

B. The right questions

If we ever are to solve the regulatory problems we have created, we must first learn to ask the right questions in evaluating a regulation. For example, we should ask:

Can the free market regulate itself in this instance?

Are there ways to stimulate market solutions that might be less expensive and less burdensome than the regulation?

Does the regulation make for the least possible imposition on human freedom?

Does the benefit of the regulation exceed the cost?

Does the regulation affect adversely our ability to compete in world markets?

What human purpose does the regulation fulfill?

Is the regulation just or unjust?

Is the regulation effective or ineffective?

How can the regulation be eliminated when it has outlived its usefulness?

And since the consumer is a central figure in regulatory planning, we should ask:

How does the regulation benefit the consumer?

Far fewer mistakes will be made if the time is taken to ask these questions.

C. Open regulatory process

We have to open up the regulatory agencies to allow the free flow of information. To put it more picturesquely, we need to let the sun shine in on regulatory agency processes. If a bureaucrat's power is secure, then he or she will not be responsive. But when the power is insecure, when it can be challenged, the bureaucrat becomes responsive. Such a challenge can be made only if the public's business is done in public. There must be more participation in the decision-making processes of regulatory agencies by those citizens on whom the weight of regulation falls.

D. Congressional oversight

Every committee of Congress must vigorously exercise its oversight responsibilities, reviewing periodically the regulations set out by each agency. Further efforts should be made to pass legislation that facilitates oversight. On this point more needs to be said.

1. Sunset Legislation

For some time I have been casting about for the best legislative means to meet the challenge of increasing the efficiency of government. It would help, of course, to reduce the size of the bureaucracy, to consolidate some programs and agencies and to abolish others. The accomplishment of this task would require tough Congressional oversight. But how is this increased scrutiny of the bureaucracy to be achieved? How can the programs and agencies be looked at comprehensively and systematically? How can the elephant be caged?

Mechanisms are needed to force Congress and the President to assess the usefulness of existing programs and agencies, and to reorganize or abolish those that are not working well. The present oversight procedure in Congress, that of authorizing and appropriating, has simply failed to yield results.

The proposal which best meets the requirement of forced review by Congress and the President is the so-called "sunset" proposal. Under this approach each program and agency would face an automatic termination date, the "sunset", according to a fixed schedule unless Congress and the President specifically approved its continued operation. As the termination date approached, a mandatory Congressional review of the program or agency would begin. If Congress voted against renewal, the program or agency would be dissolved.

The advantage of the "sunset" proposal is that it establishes a framework for the periodic, systematic examination of all Federal programs and agencies and makes the supporters of any particular program or agency justify continued public investment in it. Overlapping programs would be untangled, agencies would be rejuvenated, and public expenditure that no longer served a useful purpose would be eliminated. The "sunset" proposal would do away with the natural bureaucratic inertia that permits programs and agencies to exist simply because they exist.

2. Congressional Veto

Another way to improve Congressional oversight is to use the Congressional veto. This prerogative of Congress aims to check the tremendous growth of discretionary power within the Federal bureaucracy. It would give Congress the ability to oversee administrative rulemaking by creating procedures for Congressional review of all regulations issued by Federal agencies. For instance, proposed regulations could be disapproved by a concurrent resolution of Congress, and existing or proposed regulations could be directed for reconsideration by a resolution of either the House or the Senate. Ideally, such Congressional review would place limits on the discretionary power of Federal agencies without involving Congress too deeply in the technicalities of administrative rulemaking.

3. Other Proposals

Another way to sharpen Congressional oversight would be the imposition of a rigid timetable on Congress and the President to consider and act on reforming Federal regulatory activities. For example, over a four-year period the President would send to Congress major regulatory reform proposals covering specific sectors of industry. These Presidential proposals would then be reviewed by Congress. If Congress did not act on them by November of each year, the proposals would become the pending business in each House of Congress.

A variation on this theme would require that the Presidential proposals go into effect the following year unless Congress disapproved them.

E. Decrease personnel turnover

The rapid turnover of regulatory personnel is a serious problem. Commissioners and highly talented professional staff, frustrated by various forms of institutional inefficiency and delay, are quick to seek other places to work, quite often in the very industries which they have regulated. The less talented regulators, sensing that they have carved out a secure "niche" for themselves, remain behind. The exodus of the more skilled and the long tenure of the less skilled leads to—

More inefficiency and ineffectiveness;

Stalemate;

Loss of morale;

An inability to handle long cases;

Uninformed deliberations; and

Disrespect for public service.

The life of the dedicated regulator is not all that good, and his or her pay is frequently not commensurate with ability. Ways must be found to rectify these imbalances. Personnel turnover must be reduced.

F. Economic impact study

It is clearly necessary that economic impact studies of every regulation be made. A recent bill, S. 2028, sponsored by Senators Kennedy and Hart, would propose that regulatory agencies seriously consider the competitive impact of their actions and would require that they prepare competitive impact statements. The contents of this bill merit close attention.

G. Common sense

We need to have a large dose of common sense in the implementation and enforcement of regulations. When one applies the same rules and regulations to a small nursing home in Southern Indiana that one applies to a large nursing home in New York City, grave problems may arise.

Furthermore, common sense tells us that we need to deemphasize the regulation of mundane, unimportant matters. For example, OSHA could be relieved of the task of trying to prevent industrial accidents and left free to concentrate on the more pressing problem of health hazards. Most of OSHA's resources should be used in health-related areas. This business of taking 21 pages to set forth regulations pertaining to ladders is absurd! It is not working now and it will never work. No one should expect it to work!

H. Balanced view of regulation

Since some Federal agencies do not overregulate, a balanced view of regulation must be adopted. In my estimation the Food and Drug Administration is often too timid in exercising its vital function. Everyone will agree that the quality and purity of our foods and drugs must be maintained by

strict regulation. Regulation in this area and many others is not necessarily bad.

Obviously we should differentiate between the intent of regulation and its effect. Some of us may be willing to accept more regulation in the field of health, but even this should be put to the tests I have suggested.

Keeping in mind the distinction between health and safety regulations and economic ones, the government should stay out of the economic arena as much as possible, as long as there is a competitive market structure.

I. Economic Incentives

The most important step to improve the regulatory process is the use of economic incentives. What we must do is make the market work for us by giving the private sector incentives to act for social ends. Because the efficiency and resilience of the market is grossly underrated, advances can be made with very few government strictures.

Specifically, we need to think in terms of strategies such as national effluent and emission charges, that is, charges levied on each unit of polluting substance discharged into the air and water. By this means a cleaner environment could be much more easily achieved. The reduction of pollution would be a "paying proposition." If the levy were high enough, pollution could be drastically curtailed and businesses would switch to less polluting manners of production. The market would be working for us, not against us as it does today.

I recognize that in some instances the outright prohibition of an action by regulation is the least costly and most satisfactory solution. Such is the case where, for example, the discharge of a tiny quantity of some chemical may have terrible consequences. But generally speaking I would argue for the use of economic incentives to inform decisions in both the public and private sectors. These incentives would include (but would not be limited to):

Effluent charges for pollution control;

Incentive contracts in manpower training programs;

Efficiency-oriented medical reimbursement and insurance plans;

Mandatory flood insurance with premiums adjusted to flood risk;

Incentives for decision-makers in the defense industry to avoid the "gold plating" of weapons;

Grant-in-aid programs to States and municipalities with incentives and governors and mayors to bargain with the Federal government; and

Congestion charges at airports and quays.

Economic incentives may result in an indirect, roundabout and less certain way of accomplishing the tasks of intervention, but it is surely preferable to what we are doing at present. I know that economic incentives cannot fulfill desirable social goals immediately or simply. Continuous adjustments of incentives will be necessary so that the incentives themselves do not become unduly burdensome. But we cannot merely hang on to the notion that regulation is the right answer. So far we have not even considered economic incentives.

It is high time that we give them our attention.

AMERICAN ENTERPRISE INSTITUTE LAUNCHES SOCIAL SECURITY STUDY

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. COTTER. Mr. Speaker, I would like to bring the following article on social security to the attention of my colleagues:

[From the Wall Street Journal]

SPEAKING OF BUSINESS

(By Lindley H. Clark, Jr.)

SOCIAL SECURITY?

Nearly everyone is involved with the Social Security system in one way or another, and yet hardly anyone really understands it. The system has been sold to the public as a pension or insurance plan, which it clearly isn't. Benefits have grown so fast and expanded in so many directions that the tax is now the largest that many Americans pay.

High inflation has confused matters, leading Congress to take overly generous measures to protect beneficiaries. Benefits are now so generous that many economists fear a disruption of the savings needed for future economic growth. The system is in such poor financial shape that it is often labeled bankrupt"—if it is, what happens to future benefits?

That's only a sampling of the issues and questions raised by the current condition of Social Security. In an effort to provide some answers the American Enterprise Institute for Public Policy Research has launched a broad study, under the direction of Colin Campbell, a Dartmouth economist and longtime student of the system.

The first product of the study is "Social Security—the Long-Term Deficit," by J. W. Van Gorkom. Mr. Van Gorkom is president of Trans Union Corp., a company with worldwide interests in water and rail transportation. He also happens to be both a lawyer and a certified public accountant, qualifications that presumably make it easier for him to explain what Congress has wrought.

Mr. Van Gorkom can't cover everything in a 24-page booklet, so he elects to exclude Medicare, the health program for the elderly that was tacked onto the system in the 1960s. What's left is Old Age and Survivors and Disability Insurance, or OASDI for short.

The author is quick to dispose of the government rhetoric about "insurance" and "pensions." OASDI is not an insurance or pension program, and there is no conceivable way in which it could be made one. Private insurance has to be funded: A large fund must be built up to cover future benefits. OASDI can't be fully funded, and Mr. Van Gorkom explains why:

"To be fully funded, the OASDI system would need a fund today of between $2.7 trillion and $4.1 trillion, depending on what assumptions are made with regard to interest rates and other factors. In what would we invest a fund of such colossal size? It would far exceed the value of all the outstanding bonds issued by the federal government, and if the Social Security Administration owned them all, in what would the insurance companies and banks invest, since they are required to keep certain percentages of their assets in federal bonds? If such an enormous amount were invested in stocks, the Social Security system would own all of the companies on the New York Stock Exchange and thereby change our entire economic system."

No, what we have here is a governmental income-transfer system, primarily transferring money from one generation to another. The amount of money taken from one generation is measured by the other generation's benefit requirements. The ability of the government to pay benefits depends not on an acturial fund but on the government's ability to collect taxes.

Viewed in this simple way the system is not bankrupt but it is in trouble. It is paying out more money than it is taking in and it can't go on doing that indefinitely. Before long the system is going to have to get more revenue from somewhere.

This will be true even if Congress eliminates the double protection against inflation. Instead of gearing monthly benefit checks to prices, Congress decided to push up the system's whole benefit schedule. This gave proper protection to workers who already had retired, but it was considerably more generous to persons still working.

That's true because benefits are geared to average monthly earnings. Earnings tend to rise faster than prices, so persons still at work automatically get some protection against inflation. When they retire they get still more protection, since the benefit payments will reflect higher prices too.

The Social Security Administration peering 75 years ahead, figures that wages will rise at an average annual rate of 5.75 percent while prices will rise at a 4 percent rate. If the double dip is not eliminated the average individual beneficiary of OASDI will be receiving a monthly benefit check for $34,000.

Even if the double dip is eliminated, the monthly benefit will be huge—in current dollars.

Mr. Van Gorkom seems confident that double dipping will be eliminated, but Prof. Campbell is not so certain. The change won't be simple, and Congress may be hard to convince of its urgency.

Congress is never happy about raising Social Security taxes or reducing benefits—even future, unintended, unfair benefits. Yet the system is due to exhaust its contingency fund—early in the 1980s, so Congress will have to come up with more money. If it doesn't it faces the prospect of reducing some current and fully intended benefits.

For the next 25 years the gap between Social Security income and outgo can be closed by a relatively modest rise in the tax rate (if double dipping is eliminated) and that's the route Mr. Van Gorkom favors.

In recent years Congress has talked of dumping general tax revenues into the system. But this approach, Mr. Van Gorkom warns, risks weakening public support for the system. While workers are aware that the program has its welfare aspects, by and large they still believe that their benefits (and their parents' and grandparents' benefits) bear some relationship to the taxes they pay. And survival of the system does depend on the government's ability to levy and collect taxes.

Milton Friedman, the University of Chicago economist, long has been convinced that Social Security has gone so far down the welfare road, in an inefficient way, that it should be phased out over many years, meeting all of its existing obligations. It would then be replaced by an efficient welfare system—and private savings. That's not likely to happen, but Mr. Van Gorkom's analysis at least warns against piling new burdens—national health insurance?—on a program that's already in such precarious shape.

AMNESTY—NOT SOMETHING FOR NOTHING

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. JACOBS. Mr. Speaker, Army Col. William E. Weber was severely wounded in action against the enemy during the Korean war.

If anybody is entitled to a say on the subject of amnesty, he is.

Here is what he says:

AMNESTY—NOT SOMETHING FOR NOTHING

(By Col. William E. Weber)

In the weeks since the election, the nation has heard rhetoric and supposition concerning the question of amnesty or "pardon" as some choose to define the act. The name is

not as important as the act: the act of less importance than what we as a nation want to accomplish. To date, we have had considerable dialogue and, unfortunately, not enough dialectic.

The dilemma and the dialogue orient on the proposition that somehow, and in some manner, the nation has been unfair to large numbers of its youth who served in the military forces. Some postulate that this unfairness manifests in the nation's treatment of those whose service was somewhat lacking during the Vietnam conflict and who were discharged with less than an honorable discharge.

The problem is emotional and one for which there has evolved no middle ground on which the divergent philosophies can meet to compromise. A vocal minority is in conflict with an increasingly less vocal and not so silent majority. The conflict centers about an unimpressive numerical minority of the total number of young Americans who were called upon to serve the country during Vietnam—add bad discharges and it is still less than 3 out of every 100 who served. Include general discharges under honorable conditions and the number is only 8 out of every 100.

While the ratio is small, the absolute numbers constitute a significant portion of our youth, and it is plain that something need be done to assist their return to the main stream of our social fabric and help make of them contributors to society. This is not to suggest that some are not now contributing, for in truth large numbers have been reassimilated and many do not wish to again be called to the attention of their neighbors by any program which may resurface their problems during Vietnam. However, there are those who, for a variety of reasons, not the least of which is the stigmatizing effect of a bad discharge, deserve to be given another look and another chance. We need a form of "Monday morning quarterbacking" to see if and how we erred.

The problem is the manner by which we will give this second chance. One thing that is demonstrably evident: we cannot change history nor can we validly establish what the true motivations may have been for acts of indiscipline in the past. It is perhaps better that we not become involved in trying to accomplish this. We should seek neither revenge nor recompense for the past but orient on how to take advantage of the present in order to benefit in the future.

An aggressive and vocal element suggest "blanketing" those discharged with those who may be pardoned by the President-elect, e.g., draft evaders and/or deserters. We cannot afford to lump these diverse categories together since the problem is not similar nor can the solution be similar. To do so would be a grave error since more is at stake than emotion. Involved is an area of 200 years of social development and disciplining of a society and we must not lightly deal with this area lest the future of our societal needs be adversely effected. Further, and this point cannot be overemphasized, as a society we must be able to rely with confidence on our right to call our people to arms and that they will respond to this call with responsibility.

An automatic act of upgrading bad discharges or forgiving them on some supposed basis of wrong in the past must first clearly establish that a wrong existed that needs to be righted. To date, no such wrong has surfaced and it is still much too early in terms of history for an objective view of the rightness or wrongness of our role in Vietnam.

Secondly, an automatic act to forgive is pardoning the few with the suggestion that the many are condemned, and that can only solicit divisiveness as opposed to solving dissension. That we have a dilemma does not mean we cannot solve our problem. It only means that we must seek a way of accomplishing that which divergent viewpoints desire. In short, provide a form of relief without the agony of retroactive accusation—relief that satisfies the needs of the few without inhibiting the rights of the many.

President-elect Carter is being pressured to bear the burden of what in some respects is a social tragedy and it is not fair that the nation expect that he alone resolve this issue. True, he is the newly elected leader. But we placed him in this position of leadership to guide us and execute our will and not to absolve us of our responsibilities. The problem of the "social agony" residue of Vietnam must not be resolved in a manner which will jeopardize the future. This President-elect Carter cannot do, we as individuals must not ask him to so do, and as a nation we dare not do.

There is a tragedy in the "residue of Vietnam" but it is more one of omission than commission. As a nation we are being accused of victimizing a portion of our youth as a result of Vietnam. It is being suggested that we do so since we did not understand Vietnam or our rightful role in that conflict.

To suggest that the citizenry of our nation is incapable of evaluating the form and substance of our role in Vietnam is to suggest that as a nation we are also incapable of choosing for ourselves those who will lead us. This is clearly not so. It is also clear that we will not all agree on all things, but our history, culture, and political ethic demands that what the majority of us choose has the authenticity of social acceptance and must be supported by our law, custom, and citizenry. Those who disagree must seek a forum which is within the law, not without, to express their disagreement, for as a society we can neither tolerate nor survive resistance outside the law.

I share with those who wish to place the trauma of Vietnam behind us that something must be done to enable those who have become socially isolated because of Vietnam an opportunity to reenter to mainstream of our society. I do not share with them the supposition that amnesty or pardon is the panacea of the problem faced by this group, but I am willing to accept that a portion of their problem certainly concerns this area. In any event, the problem must soon be set aside. The continuing resurfacing of Vietnam can only serve to perpetuate the agonies of that timeframe. Even more critically, the victims of Vietnam are not those who would not obey the will of the majority, the true victim is instead that we have allowed our social fabric to become weakened by a philosophical dialogue which suggests that an act that was demonstrably wrong can be given an aura of rightness by edict. This cannot be!

To solve the problem of the great mass who may not deserve good discharges because of the nature of offenses committed and their refusal to conform to military standards requires other means.

A solution exists and the procedures and the experience to form the infrastructure necessary to implement, if Congress is willing to provide funds and authority to support the one-time action required. I speak of the Department of Labor Rehabilitation Certificate. Congress established this certificate in the hopes of providing veterans who received other than honorable discharges a means to re-establish themselves in the eyes of their fellow citizens and qualify for job competitiveness. Unfortunately, in an era of high unemployment and post-conflict cultural aftershock, the Department of Labor Rehabilitation Certificate has not been universally accepted. Furthermore, there does not exist in the law the strength to make the Department of Labor Rehabilitation Certificate work in the fields of labor, management, or society.

The author proposes that the procedures of the Selective Service System, as it existed in local communities, e.g., Selective Service local boards, be temporarily re-established for a period not less than 180 days. During that timeframe, ex-service personnel from the RVN era, who were separated with less than honorable discharges, may apply for consideration by their fellow citizens for award of the Department of Labor Rehabilitation Certificate. If the local board and the community deem award of the Department of Labor Rehabilitation Certificate is appropriate, such recommendation would be made to the Department of Labor, which in turn would issue the Certificate. The recipient would simultaneously qualify for two forms of benefit to be administered by the Veterans Administration: First, remedial medical care to restore the medical status that existed at time of entry into the service, if such is possible; and, secondly, up to 18 months of educational assistance or vocational training under the GI Bill, similar to an honorably discharged veteran. This 18 month period would enable those who desire and have the ability to complete a course of instruction at an associate-degree-granting institution such as a community college or at any vocational training institute which is otherwise qualified by the Veterans Administration.

No other VA benefits, veterans rights or state benefits would accrue to these individuals unless they otherwise qualify for such. Congress must ensure an enforcing clause that provides those qualifying the same level of competition for available jobs and union membership as is currently being granted to honorably discharged veterans, providing that an honorably discharged veteran would not be prejudiced thereby.

In substance then, the recommendation for relief involves legislation which would accomplish the following:

(a) Provide veterans benefits in the form of educational assistance and medical treatment for inservice incurred problems for all individuals discharged under other than honorable conditions, who are successful in acquiring the Department of Labor Rehabilitation Certificate.

(b) That the Department of Labor Rehabilitation Certificate be restricted to issuance only to those members who have clearly restored themselves to the good graces of their community and society except that the one requirement for gainful employment be measured with compassionate understanding for the difficulty in gaining such employment during the last 5–7 years.

(c) That the enacting legislation also provide that it is a violation of law to deny employment or union membership to a recipient of the Department of Labor Rehabilitation Certificate who otherwise is qualified for such employment or union membership.

(d) That a period of eligibility for relief under this legislation be established which corresponds to the beginning and terminating dates previously established as they pertain to the Vietnamese conflict.

(e) That no change be made in the present concept of administrative discharges.

For those individuals whose discharges may be erroneous, appeal to the Discharge Review Boards or the Boards for the Correction of Military Records to have their cases analyzed and reviewed remains the only appropriate procedure. This does not deny them the option of attempting to qualify for a Department of Labor Rehabilitation Certificate.

The author believes that the foregoing is an acceptable solution to the problem that is a residue of the agony of Vietnam. We salvage for our society and military a system which has evolved over 200 years of our history and which has met our needs while binding up the wounds perceived as self-inflicted.

As a nation, we have used the military discharge system as a means of evaluating

our human resources. This was a logical step during over three decades of registration and draft, but it was illogical to ignore the social responsibility to rehabilitate those whose failure was absence of ability or motivation. In short, the failure, if any, of the less than honorable discharge lies less with the military than it does with society's perception of what that discharge means.

There is too much of the past tied up with the present of this problem and too much probability for continuing conflict if we remain rigid in our thinking. We can all agree that the goal we seek is simple. We wish to right the wrongs of the past and in the spirit of American fair play, give those who deserve it a second chance to correct their wrong of the past. Both of these can be accomplished. All that is needed is the willingness to make it work!

KEY TO ECONOMIC RECOVERY IS JOBS

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. HAWKINS. Mr. Speaker, President Carter's $40 billion economic stimulus program falls short of what I feel is needed to heal the country's grave unemployment situation, because of its misdirected emphasis in favor of tax relief and because of its programmatic lack of direct job creation. But while I disagree with the size and direction of the Carter package, I support it nevertheless, since it does constitute an economic stimulus minimally consistent with the Full Employment and and Balanced Growth Act of 1977—H.R. 50; S. 50. Chuck Stone, columnist for the Philadelphia Daily News provides a unique commentary on Carter's economic stimulus approach and its impact in relation to the unemployment problem.

I wish to personally commend Mr. Stone for his useful comments and submit his column as follows:

[From the Philadelphia Daily News, Jan. 12, 1977]

CARTER'S JOB PROGRAM MORE IMPORTANT THAN HIS ATTORNEY GENERAL'S RACISM

(By Chuck Stone)

If we can momentarily mothball our obsessions with the cosmetics of the Carter style and carefully check out the substance of his economic proposals, we might be surprised by their eminently good sense.

Many of us have microscopically examined Carter's cabinet appointments and rendered judgments even before they were sworn in.

The presence or absence of black faces at the Carter church Sunday has consumed some members of the press as if it were the basis of a new foreign policy.

Whether or not this country's economy picks up, unemployment is reduced and inflation is curbed will in no way be influenced by the number of integrated prayers at the Plains Baptist Church, the difference between one colored face or two colored faces in the Cabinet or the historical racism of Carter's attorney general, Griffin Bell.

The key factor in producing more jobs is Presidential leadership. For the first time in eight years, it seems to have arrived. A full 12 days before Mr. Carter has been sworn into office, he has offered the nation a program to combat joblessness.

Most economists didn't exactly execute cartwheels over the Carter economic stimulus package. But neither did they criticize it as excessive or impotent.

The two-year, $30-billion program has been called "middle of the road," "something for everybody" and "electric."

What it is is superb Carter consensus politics.

Business was demanding tax incentives for expansion, the powerful AFL-Congressional Black Caucus alliance was insisting on something approximating the Humphrey-Hawkins full employment bill (H.R. 50), middle-class families wanted tax relief and lower-income families just hoped for higher income tax deductions.

In a truly masterful mixture, Carter divied up the stimulus pie to give enough to each political interest group to impress them with his good intentions and chart the direction he intends to take.

I don't believe that a government which presides over a gross national product of $1½-trillion has a moral right to legislative sterility when 8 million people cannot find work to feed their families.

The Carter plan tries to meet that obligation. Yet, many economists believe the package is too small to make an impact on the economy. One of these is the Inquirer's lucid Pultizer-prize winning economist, Joe Livingston.

"The $15 billion a year represents only 1 percent of the gross national product," Livingston told me.

Citing a University of Michigan study that indicated if the economy were left alone, Livingston said that the Carter stimulus only increases the growth to 4.3 percent.

"He could have done nothing," said Livingston. "But the package was political and he was trying to satisfy everybody. The economic impact will be very small."

That is probably true.

Yet, I believe that the politics of expectations must be made compatible with the economics of reality. This, Carter has done.

For example, the $5– $8-billion jobs program with $32 billion earmarked for public service works programs will result in the employment of 800,000 people. That's only a 10 percent reduction of the 8 million unemployed.

But a significant number of people will be able to "feel" their government working to improve their lives. And that's the essence of political reciprocity after we have voted, being able to "feel" our government's concern.

Without alluding to the name or the concept, Carter actually embraced some of the first-year goals of the Humphrey-Hawkins bill.

The bill sought an eventual unemployment goal of 3 percent in four years. Carter had indicated that at most we could anticipate a 5.5–6 percent unemployment goal in four years.

Rep. Augustus F. Hawkins (D., Calif.), co-sponsor of H.R. 50 yesterday issued a joint statement with Rep. John Conyers Jr. (D., Mich.) that Carter's economic job proposals were "minimally consistent" with H.R. 50.

The Congressional Black Caucus and the AFL–CIO had wanted a $30 billion first year jobs program. Carter came up with $8 billion.

"It's too little and too late," declared an understandably perturbed National Urban League executive director Vernon Jordan who agreed with Livingston, but for different reasons.

Indeed, it is too little. But it's a break with the past eight years of Presidential inaction on jobs.

If Carter can put people back to work with a staunch commitment to equal employment, his appointment of one of the most racist attorneys general in recent history won't be forgiven. It will just make it easier to live with that turkey.

GUAMANIANS SEEK PRESIDENTIAL VOTE

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. WON PAT. Mr. Speaker, I am today proposing legislation which will amend the U.S. Constitution so as to provide for a direct popular election of our Nation's Chief Executive and to extend the right to vote in Presidential elections to the more than 3,400,000 American citizens who live in Guam, the Virgin Islands, Puerto Rico, American Samoa, and the Trust Territory of the Pacific.

I believe that the time for Congress to consider such legislation has come. So do many of our colleagues in both sides of the Congress, and I believe, a majority of American citizens.

The questions raised by this measure is of great concern to the well-being of our Nation. It is clear that the present system of choosing electors to the electoral college is antiquated and no longer addresses the needs of 20th century America. Nor can we continue to justify the failure of the Congress to deny American citizens who reside in several territories of the United States their inherent right to fully participate in the selection of our highest elected official, simply because of their place of residence.

It is this latter question which I will mainly address on behalf of my constituents in Guam. As you know, Guam has been a part of the United States since 1898. Guamanians have enjoyed American citizenship since 1950. We have fought in every war since 1898 on behalf of this country and have even endured a horrible period in which we were enslaved by enemy forces during World War II, largely because of our ties with this great country.

Furthermore, the 100,000 American citizens on Guam are subject to U.S. legal authority and fully recognize the President as our Chief Executive and Commander in Chief. Last year, the Federal Government spent $354 million in Guam for a variety of Federal programs and for the maintenance of the Naval and Air Force facilities on the island. Guam is an integral part of this country's defenses and it is hoped by those who live there, equally appreciated for its part in America's development. We are proud to consider ourselves a permanent part of this country.

I am confident that the American citizens of other U.S. territories have similarly strong feelings for this nation. Yet, they and their counterparts on Guam remain disenfranchised from Presidential elections purely because of a failure to reside in the various States as is presently required in the Constitution.

In light of our contributions to this society, is it logical to continue this discriminatory policy against our fellow Americans? Are not the territories as much a part of modern-day America as is Hawaii, Alaska, or New York? Must

another 77 years of American rule in Guam pass before our people can expect to be included in the full range of political activity that is enjoyed here in the States?

Let us hope not. In recent years, the Congress has in its wisdom responded to the call from various minority groups in the mainland to guarantee their right to vote. I now call on the Congress to support my request to respond to the call of territorial Americans for political equity by supporting the legislation I have introduced today.

Because of present efforts by Senator BIRCH BAYH, Democrat of Indiana, to provide for direct popular vote for the President and Vice President, my appeal on behalf of the people of the territories is very timely. The legislation I have introduced today addresses the issue of direct popular presidential election and the matter of territorial Americans voting in such elections. Since both matters require an amendment to the Constitution, coupling the two issues appears to be a decision which would save time and accomplish two highly commendable goals.

On February 2, I shall be addressing the Senate Subcommittee on Constitutional Amendments, which Senator BAYH chairs, asking that they consider extending the Presidential vote to the territories along with legislation providing for a popular presidential vote to replace the electoral college.

Their support would be a welcome addition to that which has already been offered to legislation identical to mine by Representatives MCCLORY, ADDABBO, BEARD, BLANCHARD, CEDERBERG, HEFTEL, KETCHUM, MITCHELL, LLOYD, MOTTL, NEDZI, PEASE, PURSELL, UDALL, YATRON, and Delegate DE LUGO, of the Virgin Islands, Resident Commissioner CORRADA of Puerto Rico.

I urge all of my colleagues here in the House to give us their support in this vital matter. Thank you.

DISPOSAL OF STOCKPILED TIN

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. MOLLOHAN. Mr. Speaker, the price of tin has risen from $2.87 per pound in January 1976 to $4.45 per pound in January 1977. That amounts to a 55-percent increase in the price of tin over a 1-year period.

In September of 1976, the United States joined the International Tin Agreement. This agreement between producing and consuming nations is supposed to stabilize tin prices around the world. This is done by the establishment of a buffer stock which is to be sold on the open market when tin prices approach or exceed established price levels. The buffer stock is not adequate and was sold out several weeks ago. At this point, the tin speculators took over and the price of tin has risen dramatically even though this is a period of low demand. Based on current quotations from Penang, the price of tin is now 47 cents over the top of the price range established by the International Tin Agreement and has risen 95 cents since the agreement was signed.

Tin is a primary product, and as its price fluctuates, this fluctuation creates risk and increases the cost of tin products to U.S. consumers. This in turn affects the price of food, beverages, and all products packaged in tin coated containers. Thus, the speculators are the beneficiaries and U.S. consumers pay the bill through inflation and increased prices.

The United States is 100 percent dependent upon imports for tin, and only by taking action to release tin from our strategic stockpile can an amount of tin necessary to counter these efforts be at hand. The United States has a tin stockpile of 203,172 long tons. Of that amount, 32,499 long tons are necessary to fulfill the stockpile goals, a 3-year emergency supply pursuant to the Strategic and Critical Material Stock Piling Act. Thus, there are 170,673 long tons of tin which potentially could be made available.

I am introducing legislation today which authorizes the release of 30,000 tons of tin from this stockpile for sale to domestic consumers.

The method the GSA uses to dispose of stockpiled items does not act to control or lower prices but would act to stabilize prices as the price would continue to be set at or near market levels. During other periods of significant price increases—1964–65, 1973–74—disposals from the U.S. strategic stockpile played an important role in keeping the price from moving to even higher levels.

An authorization is needed for the disposal of stockpiled tin which will act as a lever to stabilize tin prices and counter the efforts of speculators who continue to drive the price abnormally up from present levels.

STATUS OF THE 1976 CONGRESSIONAL ELECTIONS

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. THOMPSON. Mr. Speaker, I feel that it would again be appropriate, at this time, to advise the Members of the House of the status of the election contest arising out of the 1976 congressional elections.

Article 1, section 5, of the U.S. Constitution provides that:

> Each house shall be the Judge of the Elections, Returns and Qualifications of its own members. . . .

Under this constitutional authority the House has over the years resolved election contests dealing with congressional primary elections as well as general election contests. In fact, in 1969, the House enacted a Contested Elections Act (2 U.S.C., section 381, et seq.). Under the Rules of the House of Representatives, these contested election matters are within the jurisdiction of the Committee on House Administration.

There are currently pending before the Committee on House Administration, seven election contests, five dealing with general elections and two dealing with primaries.

Wednesday, the Committee on House Administration appointed seven ad hoc panels to deal with the aforementioned contested elections. Each panel is comprised of three members of the committee and are as follows:

1. Contest: Hill v. Clay:

Chairman: Hon. Lionel Van Deerlin; members: Hon. John H. Dent, Hon. Bill Frenzel.

2. Contest: Moreau v. Tonry:

Chairman: Hon. Mendel J. Davis; members: Hon. Joseph M. Gaydos, Hon. Robert E. Badham.

3. Contest: Saunders v. Kelly:

Chairman: Hon. Joseph G. Minish; members: Hon. Robert H. Mollohan, Hon. Samuel L. Devine.

4. Contest: Pierce v. Pursell:

Chairman: Hon. John L. Burton; members: Hon. Frank Annunzio, Hon. James C. Cleveland.

5. Contest: Paul v. Gammage:

Chairman: Hon. Joseph S. Ammerman; members: Hon. Lucien N. Nedzi, Hon. Charles E. Wiggins.

6. Contest: Young v. Mikva:

Chairman: Hon. Leon E. Panetta; members: Hon. Augustus F. Hawkins, Hon. Dave Stockman.

7. Contest: Dehr v. Leggett:

Chairman: Hon. Edward W. Pattison; members: Hon. Ed Jones, Hon. J. Herbert Burke.

I have directed the chairman of each election panel and staff to proceed with the resolution of these contested election matters forthwith, consonant with due process, and to exercise the House's full constitutional authority to "be the Judge of the Elections, Returns and Qualifications of its Members. * * *"

PENSION FOR WORLD WAR I VETERANS PROPOSED

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. GONZALEZ. Mr. Speaker, I am again cosponsoring legislation in this Congress to provide a service-based pension to World War I veterans. I have pushed for such legislation in several Congresses and the last attempt was with the late Wright Patman who was always a champion of the people.

It will be almost 60 years since we were engaged in World War I, and many of those who fought in this war are no longer with us, but thanks to the miracles of science there are a number of veterans, around 834,000, who are still alive today with an average age of 80, and these men, Mr. Speaker, are being ignored and neglected by our Government.

There is no doubt that many of the elderly in our Nation are suffering financially because of the inflation that has hit our economy, but the World War I veteran is particularly hard hit because of his age and because when he retired over 20 years ago his pension looked good but due to our economic conditions the actual dollar worth of this pension today is unbelievably small.

The United States is a generous country. We as a people, both collectively and individually, are willing to contribute to

nations around the world in need, but many times we forget those right in our own backyard who are in need. That is the case of the veterans from World War I.

We have provided very little for these veterans. For the most part, $607.50 is the total benefit which these individuals have received from the Federal Government. They were not eligible for education benefits, nor home loan programs, and there were no veterans' hospitals in their day nor any Government program to help them find employment after they returned from the war. Surely we should be willing to do something to help these elderly veterans live out their golden years with the pride and respect they deserve. After all they helped us preserve our way of life.

The proposal I am cosponsoring calls for providing World War I veterans a service-based pension of $150 per month, regardless of income. In a small way this will compensate these veterans who have never received the wide range of benefits that have been available to veterans of other wars. I do not believe that the price tag is too large to pay a belated thanks to those in their eighties who came to the aid of our Nation in time of need. Now it is our generation's turn to help those who put their lives on the line 60 years ago.

A PEOPLE'S PRESIDENT FROM THE OLD SOUTH LAWN

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. DERWINSKI. Mr. Speaker, the Chicago Tribune, which at one time claimed to be the world's greatest newspaper, has modestly dropped that title. However, the Tribune certainly continues to retain its outstanding journalistic reputation.

One example of this journalistic leadership is the tongue in cheek review of a Washington press conference as seen by Michael Kilian, one of Chicago Tribune's in-house columnists. The article, which appeared in the January 27 edition of the Tribune, follows:

A PEOPLE'S PRESIDENT FROM THE OLD SOUTH LAWN

(By Michael Kilian)

WASHINGTON.—The following transcript may or may not have been found crumpled up among some empty Coke bottles in Jody Powell's wastebasket:

Q—Mr. President, can you tell us how your administration plans to deal with the trade deficit?

A—Ah inten to do what's best for the 'Merican people. In everythin'. As a matter a fact, as part of our "new spirit" an' "new beginnin'," ah'm announcin' today that we are eliminatin' the use of limousines fo White House staff. Everyone's goin' to walk . . .

Q—No, Mr. President, I'm not talking about a deficit involving limousine sales; I mean the overall trade deficit.

A—They're all goin' to walk. This administrashun's goin' to stay close to the people, so ah'll have a chance to be a great President. They're goin' to walk just like ah did on inauguration, all the way from the Capitol to the White House, so ah could be close to the people.

Q—Turning to another matter, Mr. President, how soon do you expect to resolve the Panama Canal matter?

A—Ah would also like to announce that ah am still walkin' to mah office in the White House every day. Ah inten' to make that a majah policy of mah administrashun.

Q—But, Mr. President, don't you already live in the White House?

A—No, mah wife an' ah have decided that, to be closah to the 'Merican people who are goin' to make me a great President, we should move into a mobile home ah'm havin' set up on the South Lawn. Ah'm goin' to walk to work from there every mornin,' carryin' mah garment bag.

Q—Mr. President, concerning the latest figures on inflation released by the Labor Department, do you . . .

A—Ah have ordered mah staff to carry garment bags as well. That's goin' to be a majah policy of mah close-to-the-people administration. An' mah wife is goin' to keep on carryin' her own grocery bag, just like she did in that wonderful photograph that got such terrific play.

Q—On the subject of nuclear arms policy, Mr. President, the National Security Council reports that . . .

A—An mah wife is goin' to keep on goin' around in her stockin' feet, just like she did in that other wonderful photograph that also got such terrific play. That'll bring her closah to the people, an' to the rug.

Q—Please, Mr. President, Intelligence reports indicate that the Warsaw Pact nations have achieved a conventional military . . .

A—Ah would also point out that mah daughter is goin' to continue to go to public school. Anytime you ladies an' gentlemen of the press want to tag along, like you did this week, feel free. It'll help her keep close to the 'Merican people. An' make me great.

Q—Mr. President, the prime interest rate is . . .

A—An' ah inten' to continue to wear blue jeans aroun' the house. Especially in the White House. When Queen Elizabeth, Emperor Hirohito, an' all them come heah on state visits, they'll just have to get used to dealin' with a plain representative of the 'Merican people. We have put the imperial presidency behind us.

Q—Aren't you even going to wear a business suit?

A—Ah will confine the practice of wearin' business suits, very plain business suits, to mah next inaugural, when ah inten' to once again walk from the Capitol to the White House, possibly carryin' a small black child in mah arms.

Q—Mr. President, concerning the energy shortage . . .

A—Ah will also continue the practice of constantly holdin' hands with mah wife. In fact, we're holdin' hands right now, through this hole here I had cut in the wall. An' she's in her stockin' feet.

Q—Mr. President, it's been said that you're all symbolism with no substance. What . . .

A—You're one of the people ah don't want to get close to. Next question.

Q—Well, tell us, Mr. President. How close to the people will you get?

A—As close as that terrific ploy can get us.

INCREASE IN THE EARNINGS LIMITATION TO $4,800

HON. MARTHA KEYS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mrs. KEYS. Mr. Speaker, I am today introducing legislation to increase the social security earnings limitations to $4,800.

With the cost of food, clothing, and shelter continuing to rise, older Americans living on social security are finding it more and more difficult to meet even their simplest needs. Many individuals who have worked all their lives to achieve a modest level of comfort suddenly find themselves plunged into poverty upon retirement. A couple who has spent their adult years feeding and caring for a family now find themselves forced to rely on food stamps.

Yet our social security system penalizes older Americans for supplementing their meager income by taking a job. While those retirees who enjoy the benefits of income from stocks, bonds, or annuities may continue to collect social security without a reduction in benefits, individuals who must work to supplement their income are subject to a $3,000 earnings limitation.

The legislation which I am proposing would increase the present earnings limitation to $4,800. This modest increase would permit social security recipients to provide for a portion of their own needs without suffering a large reduction in benefits. To continue to place a severe limitation on earned income is to deny hard-working Americans the right to both self-sufficiency and self-respect.

TERROR—ARGENTINA STYLE

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. DRINAN. Mr. Speaker, in November 1976, I spent 10 days in Argentina as part of a delegation organized by Amnesty International to investigate and report on the human rights situation in that nation. This comprehensive report will be completed in the very near future, and I will share its findings with my colleagues at that time.

During my stay in Argentina and thereafter, I have been made aware of widespread, systematic government repression and violence. All civil liberties have been suspended, arrest without charge or trial is officially sanctioned, and torture is commonplace. Right wing "death squads" operate with impunity and apparent government complicity. The military junta which rules Argentina has refused even to publish a list of the political prisoners which it has under detention.

Pending the comprehensive Amnesty International report, I would like to share with my colleagues an article on terror in Argentina which has just been published in the Winter, 1977 edition of Matchbox, Amnesty International's quarterly magazine on human rights throughout the world. "Terror—Argentina Style" is a cogent summary of the military government's systematic violation of the basic human rights of Argentine citizens. In the coming months, the Congress will decide on the continuation of U.S. military assistance to the Argentine Government. The International Security Assistance Act of 1976 mandates careful consideration by the Congress

of the human rights record of all governments which receive military assistance from the United States.

I commend to my colleagues the following summary of terror in Argentina:

TERROR—ARGENTINA STYLE

The door bursts open in the middle of the night. Heavily armed men ransack the house—photographs, books, papers—torn, burned, or confiscated to be used as evidence in trials that never take place. If there is resistance, beating takes place on the spot. In front of wives and children, including wives and children. So begins terror Argentina style.

This chilling scene, directed and starring the rightist forces of the dreaded Triple A—the Argentine Anti-Communist Alliance—is repeated again and again with no government or police interference in the suburbs of Buenos Aires. Victims have included former Uruguayan Senator Zelmar Michelini, former President of the Chamber of Representatives in Uruguay Hector Gutierrez Ruiz, Michelini's daughter and son-in-law, noted Argentinian novelist and journalist Haroldo Conti, and hundreds of ordinary Argentinian citizens or Latin American refugees.

Violence is engulfing Argentina. So far this year at least 1,300 people have been killed in the war waged by the security forces against subversives. Some of those abducted, murdered, disappeared, or imprisoned were active in politics—members of trade unions, or teachers unions before those organizations were outlawed; some leaders or members of political parties who opposed the totalitarian regimes now in power in Uruguay and Argentina; but others are singled out for persecution for being the wife or daughter of an individual being sought, for having been a teacher of or student of a suspect individual, for being a refugee, or for no apparent reasons at all. The vengeance of the right wing death squad respects neither age nor profession. Young children have been abducted and killed with their parents. Last summer, the AAA shocked public opinion in Argentina with the murders of five churchmen as they kneeled in their parish residence. The murders were a random retaliation for a bombing of a police station which killed 18 policemen.

POLITICAL OPPONENTS MARKED FOR DEATH

The kidnappings and killings show no sign of abating. Recent targets of the para-police squads have been leading members of Argentine political parties, and in some cases their wives and children. The son of former deputy Jose Cane was kidnapped in Buenos Aires on October 20, and a few days later, the invalid son of former senator Pedro Avalos was dragged from his home in the northern province of Missiones. In Chubut, in the south of the country, the former secretary-general of the Communist Party, Elbio Bel, was abducted with his baby son, although that child was later returned. An official of the Popular Socialist Party, Sergio Maida, was kidnapped together with his wife in early November.

These most recent incidents followed the death in military custody of Mario Amaya, former deputy of the center Radical Party. Senor Amaya and his colleague, former senator Hipolito Solari Irigoyen, were abducted on August 17 by unidentified armed men described by the government as "members of the extreme right who had escaped the control of the armed forces." After a national outcry, the two former parliamentarians were rescued by the military two weeks later. They were not released, but taken to a military detention center "for interrogation," and reportedly beaten systematically for 15 days. Senor Amaya died from his injuries on October 19. Senor Solari Irigoyen is still in prison.

The Argentinian security forces have been reporting increasing success against the left-wing guerrilla organizations which are blamed by the government with threatening the social fabric of the country. After the March 24, 1975 coup against Isabel Peron, General Jorge Videla pledged to contain the violence and to safeguard human rights. In a speech of March 21 broadcast on national television and radio General Videla gave this assurance: "For us, respect for human rights is based not on legal mandates or international declarations, but is a result of our profound Christian convictions on the preeminent dignity of man as a fundamental value." Yet, there is no doubt that the paramilitary ultrarightist security forces responsible for the brutal murders of Michelini, Ruiz, the five priests, the murder of 46 people in two separate mass executions, operate with the connivance and collaboration of the regular police, armed forces, and intelligence source. Witnesses to murders and abductions have frequently mentioned the proximity of police cars and impunity with which the masked cars gather their startled prey.

REFUGEES IN DANGER

Until very recently, Argentina had been a country open to receiving the oppressed from neighboring countries. After the military coup in Chile and the military pusch in Uruguay, it became the only country in the southern cone of Latin America to which exiles could go and receive some measure of protection. The population of political exiles relates directly to the erosion of democratic governments in the southern cone of Latin America. In general, that population consists of people with leftwing views, who are in opposition to the rightwing governments of Chile, Uruguay, Bolivia, Paraguay and Brazil.

Paraguay: many Paraguayans have been forced to leave their country since General Stroessner came to power in 1954.

Brazil: many Brabilians have settled in Argentina since the coup of 1964, which overthrew the democratically elected government of Joao Goulart. Many Brazilians are now refugees for the third time, having previously sought asylum in Uruguay in the sixties and in Chile under the Allende government.

Bolivia: many Bolivians entered Argentina after the military coup of August 1971 which brought President Banzer to power and overthrew the government of Juan J. Torres.

Uruguay: Thousands of Uruguayans have fled the country since the abolition of all civil institutions in their country in June 1973, which was formerly one of Latin America's oldest democracies.

Chile: since the coup, thousands of Chileans have crossed the border into Argentina as a result of the political and economic repression. Many of these have entered the country illegally. Approximately 12,000 Bolivians and Uruguayans had sought political asylum in Chile under the Frei and Allende governments. All left Chile after the coup of September 1973 and the great majority were resettled in Argentina while the remainder came to Europe, notably Sweden and France.

Well founded fears of repression and reprisals keep refugees from registering either with the Argentinian authorities or refugee agencies such as the United Nations High Commission for Refugees which make accurately estimating the total number in Argentina difficult. It has been suggested that the figure is about 100,000, although this may be a conservative assessment.

MINISTRY OF SOCIAL WELFARE

After the death of Peron, political exiles were made to feel increasingly unwelcome in Argentina. With major decisions under the brief presidency of Isabel Peron being made by her foremost aide and confidante, the then Minister of Social Welfare, Jose Lopez Rega, the situation deteriorated rapidly. Right-wing assassination squads began to operate with complete impunity and the vulnerable refugee community attracted the AAA like a magnet. It was later alleged that Lopez Rega had himself created the assassination squads and that they had apparently been financed and their actions coordinated from the Ministry of Social Welfare.

As bad as the situation was under Isabel Peron and in spite of the statements made after the coup by the new Argentinian authorities that international law would be respected, the violence perpetuated against refugee communities has escalated murderously since the March 1976 coup. Just as occurred in Chile after the September 1973 coup, the refugee sector of the population became increasingly subject to persecution, torture and assassination, because, in the eyes of the security forces, exiles were seen as potential subversive elements.

RAIDS

In the days immediately following the coup, as if to demonstrate the intention of the security forces under the new government, terrifying and brutal raids were carried out on refugee centers throughout Argentina.

In Buenos Aires, one of the raids was on the Hotel Corrientes run by CAREF, a church organization to help refugees. Pastor Armin Inle, the head of CAREF, was detained for 24 hours. Refugees staying in the hotel were beaten up and released after a few days. Before their releases, some of the refugees were forced to sign documents claiming they had committed "traicon a la patria" (treason to the fatherland). They were issued expulsion orders.

In a raid on the hostel Jose C. Paz, also in Buenos Aires, 19 refugees, including two children were detained and tortured. Some were released after six days, others remained in Cordoba—a refugee center run by the United Nations—it too was raided. This center is situated in the Campo de Mayo area of Cordoba near a military barracks where many of the disappeared persons are reported to be held. Eighten people from this center were charged with espionage in the military region and served with expulsion orders.

Similar raids were also carried out in four refugee hostels in Mendoza.

On June 11, a group of 24 refugees of Chilean and Uruguayan nationality were kidnapped from two hotels in Buenos Aires. Two Chileans from this group arrived in London in August under the British government's plan to provide visas for 75 refugees and their families at present under threat in Argentina. At a press conference the two men, Carlos Ayala and Jose Sepulveda, described their abduction which was carried out by forty heavily armed men claiming to be police. As a result of international pressure, the refugees were released, but not before they had been beaten up and subjected to electric shock treatment.

"We were continuously beaten after they took us from the hotel. We were kept blindfolded all the time and stripped of our clothes. Everyone was screaming in agony."

Both Jose Sepulveda and Carlos Ayala had fled to Argentina after the September 1973 coup in Chile.

COLLABORATION

Ary Cabrera, aged 48, married with two children, abducted in Buenos Aires on April 7 by armed men; Telba Juares, 29-year-old teacher, escaped from a Uruguayan prison and fled to Argentina in 1973, abducted in Buenos Aires by armed men; Ricardo Gil Iribarne, aged 27, an economics teacher, married with an infant child, disappeared; student, Eduardo Chiazzola, disappeared; mother, Elida Alvarez, disappeared—the documented death list of Uruguayan refugees begins. On April 23 and 24 five tortured and mutilated bodies, one of them a woman's, washed on to the Uruguayan shore of the River Plate which divides Uruguay from Argentina. The Uruguayan authorities claimed that they were persons of Asian origin, who

were probably killed in a quarrel on a fishing boat some 20 days earlier. However, relatives claimed that the bodies were those of the five disappeared exiles named above. One of them had been identified despite the advanced state of decomposition of the bodies.

The evidence of collaboration between the Argentinian and Uruguayan security forces to systematically eliminate Uruguayans living in exile has been mounting steadily. Recent information has established that there are Uruguayan security forces currently operating in the country with the tacit support of the Argentinian authorities. Reliable sources have spoken of the existence of the *Plan Mercurio* whose objective is to get rid of all Uruguayans of leftwing tendencies living in Argentina. There is a specially selected force of Uruguayan army personnel to direct the campaign, under the direction of Colonel Ramirez, who according to information from refugees, has recently arrived from the United States. With his second in command, one Campos Hermida, a member of the Uruguayan police force, he operates from private houses without any set headquarters in Argentina. Fourteen Uruguayans who were among 60 kidnapped in two incidents by a Uruguayan armed forces communique of October 28 as subversives now in detention in Uruguay.

Uruguayan trade unionists in exile in Argentina have been particularly frequent targets of this semi-clandestine operation of Argentinian and Uruguayan forces. They account for a high percentage of the kidnap and murder victims of the past months.

WHAT WE NEED TO KNOW ABOUT THE WEATHER

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. BROWN of California. Mr. Speaker, the weather disaster which is striking our Nation at this moment has reminded us, once again, that our good fortunes are not all a result of our own ingenuity and hard work. While this is a humbling experience, we need not be totally unprepared for changes in the weather.

We have all seen the pictures from the weather satellites, and heard the short-range weather forecasts which are made from the data obtained by such tools. We also know that advance knowledge of events enables us to better prepare for them. The situation today in the weather prediction field is that we have not paid enough attention to extending the range of our current weather predictions. Since this is almost exclusively a Federal Government responsibility, the Federal Government must take the blame for any inadequacies which are avoidable with greater resources. There is no question that the savings, in agriculture alone, far outweigh any potential increases in weather prediction costs.

The other missing element, beside the state of the art in forecasting, is a mechanism in Government to respond to forecasts in a national manner. Even if we know, with some reliability, that next year would be like this year, are we capable of doing anything to prepare for it? This question is quite important, and needs an answer.

I recently introduced H.R. 783, the "National Climate Program Act of 1977", which was designed to address these questions, as well as others. The disaster which has occurred since the introduction of this bill only underlines its importance. I urge my colleagues to consider this legislation as a means to improve our ability to foresee weather disasters.

At this time, I wish to insert in the RECORD two articles from the January 30, 1977, issue of the Washington Post which further describe this subject:

The articles follow:

CHANGES IN EARTH'S WEATHER ARE EXPECTED TO BRING TROUBLE

(By Lee Lescaze)

Weather is making news, but a group of scientists is trying to call attention to the likelihood that once again it is also going to be making history.

Climatologists have been telling the government and public for several years that the northern hemisphere was entering a new period of climatic uncertainty.

The scientists don't agree among themselves. Some believe the northern hemisphere is turning colder, while others, probably a majority, by Dr. Stephen Schneider's estimate, would argue it's getting warmer.

Whichever is happening, the scientists believe, there is a good chance of serious disruption of global food supplies.

Schneider, of the U.S. National Center for Atmospheric Research in Boulder, Colo., wants to call attention to how clouded the climatologists' crystal balls are because, he says, "We haven't prepared."

"This is a game of values, not so much a game of science," Schneider said. When people realize that science cannot give them certain answers about the future, he hopes they will turn to the political process and build the food stockpiles that would see the world through two or three years of bad weather.

Former Secretary of Agriculture Earl L. Butz disagreed, and Schneider describes in his book "The Genesis Strategy" how he and Dr. Reid Bryson of the University of Wisconsin tried without success to tell Washington why they believed conditions would worsen. That was 1974.

Bryson said in an interview that the best estimate of the coming decade can always be made from the decade just ended. In the last five years there were two serious Soviet crop failures, drought in the African Sahel, drought in the U.S. corn belt, the freeze that wrecked the Brazilian coffee crop and rain shortfalls in India and China.

"If you are a prudent man, you will plan for difficulties," Bryson added dryly, noting that there will be about 85 million more people on earth next year.

"We have to build resiliency into the system," Schneider said, "to sustain the fluctuations [in climate] that are clearly precedented." This winter's weather has clear precedent, Schneider said, but our food and energy situations are so tight that we run into shortages.

Schneider was one of those who predicted that this winter would be unusually cold. But Schneider said he believes that there is very little ability among scientists to predict climatic events in sequence over a period of years.

Climatology is complex and relies on masses of data. Airplanes and ships carry thermometers that measure the air and water they pass through. The readings have to be matched with latitudes, times, dates.

Thus while the trends of the last 100 years are generally well-known, the last five-years' readings are still being compiled and what happened that recently is less clear.

From 1915 through 1950 there was a significant warming of the northern hemisphere. Then, about half that gain was lost during the years up to 1972. What Schneider called "a pretty strong reversal" apparently took place from 1972 through 1975, once again raising the hemisphere's temperature.

Some climatologists, including the Soviet Mikhail Budyko, conjecture that the cold of this winter is part of the general warming trend. There is very warm circulation of air over the North Pole now and every newspaper reader knows that Alaska has been warmer than Florida on some recent days. The average temperature for the hemisphere could be warmer even with Eastern and Central states suffering record cold.

In hazarding guesses on future climate changes, scientists consider the amount of carbon dioxide in the atmospheric, volcanic activity, manmade pollution and the thickness of clouds.

Volcanos and pollution increase the quantity of dust in the atmosphere. Bryson based his early warnings of a cooling trend on the observation that dust screens out heat from the sun.

Volcanic activity was almost nonexistent during the warming years up to 1950, but "whole pot fulls of volcanos are active right now," Bryson said. Levels of manmade dust can be predicted, but no one knows what the volcanos will do in the future.

Schneider, however, said it is not automatic that increased dust brings cooler temperatures. It may depend on the dust's color and the brightness of the part of the earth it shields.

White or light-colored objects have more reflective power than dark ones. Therefore, light dust would screen much of the sun's radiation, but dark particles over a bright land mass could increase warmth. Dust is not evenly spread over the world, but concentrated over land areas, which are brighter than the seas.

A second major factor influencing the world's climate is the buildup of carbon dioxide in the atmosphere as a result of burning fossil fuels on earth.

Everyone agrees that the carbon dioxide has a greenhouse effect, keeping in much of the long-wave (heat) radiation emitted by the earth.

But nobody knows how fast the gas will build up. It has increased to 10 to 15 per cent since the industrial revolution. The entire warming effect of carbon dioxide could be wiped out or, conversely, doubled by a difference of 100 meters in the thickness of the clouds—another unpredictable factor.

As a result of the uncertainty, scientists with a belief usually take the data that supports their belief, Schneider said.

The problems from significant warming, it is agreed, could be as great as from major cooling.

Melting of a large portion of the polar ice pack woud raise sea levels, flooding costal areas, for example.

On the other hand, a drop of 6 degrees centigrade in annual average temperature over a sustained period would bring on an ice age.

But short of disasters of that magnitude, fluctuations of climate can render presently arable land arid and could touch off widespread food shortages.

In the rich countries, food would still be available, but at higher prices. For some poor nations, the shortage could bring famine. In 1974 a Central Intelligence Agency report said, "Climate is now a critical factor. The politics of food will become the central issue of every government."

The United States and Canada now export almost 70 per cent of the grain in world trade. If climate fluctuations reduced the grain crops in those two countries, or if there were major failures elsewhere, it quickly could become impossible to meet the world's expanding needs.

Bryson and Schneider say they believe the time is long overdue for government leaders to prepare for such possibilities.

EVEN TO FAR-OUT FORECASTERS ITS BEEN A FREAKY WINTER

(By Margot Hornblower)

In the whimsical world of weather prediction, the ordinary is inexplicable, the uncommon is commonplace.

East of the Rockies, it has been the coldest fall and winter since the 1880s. In most of the West, the weather has been warmer than usual. It has snowed in Florida, while the sun shone in Alaska. Swimmers frolicked in the Pacific while, in New York, two elderly men froze to death.

Amid these erratic fluctuations, Donald L. Gilman, chief of the National Weather Service's long-range prediction group, has maintained the outward calm of a man who knows his limits.

"There are always going to be these swings from one season to another," says Gilman, who has worked for 18 years among piles of squiggly-lined weather maps and computerized temperature charts.

"Nineteen seventy-six is a standout year, but there have been other freaky years. Each year is freaky in its own way."

The 45-year-old meteorologist who operates out of the World Weather Building, a glass-enclosed high-rise in Marlow Heights, has become a celebrity of late, besieged by television networks and news magazines.

All are clamoring to know why it is so cold here and so warm there, and whether it will get colder or warmer next week, next month and next year.

To such questions, Gilman smiles and says, "If there are any ultimate explanations, don't know what they are."

Meteorologists can, however, observe what is happening. Since mid-September, the Westerlies—high-speed winds that eternally swirl around the Northern Hemisphere miles above our heads—have maintained an unusual pattern.

Rather than blowing steadily across the northern section of the continent with periodic northward and southward undulations, the winds swung into a winter pattern early this fall and have remained virtually fixed for four months.

They are carrying warm Pacific air up to Alaska and Canada, where they pick up frigid Arctic cold and head southward through the Midwest and down the East Coast. Continuing out into the Atlantic, they push warm air from the Gulf Stream up to Iceland and Greenland, creating unusually mild weather there.

This steady pattern, which might normally occur for only a few days during the winter, is partly responsible for the Western drought that is drying up ski slopes and threatening agriculture.

Instead of blowing Pacific storms into the West Coast mountains and the Rockies—where snow would then accumulate, eventually melting into spring irrigation water—storms are breaking in the ocean off Southern Alaska. Likewise, the winds have created unusual storminess over the Atlantic.

When it comes to explaining why this pattern has occurred, all the sophisticated computers and mathematical models of the Weather Service are of little help.

Not that science is totally at the mercy of capricious wind-gods. Meteorologists know that wind patterns are influenced by variations in sea temperature, cloudiness, rainfall, air pressure, sunshine and even dust and chemicals spewed into the air by man's factories.

But exactly how all these elements join together at a given moment is not always understood. "The atmosphere is a mysterious, complicated physical system," Gilman said. "Causation is hard to analyze because everything that happens influences everything else."

Most of the Weather Service's 6,000 employees are engaged in short-term prediction, monitoring day-to-day weather and forecasting two or three days ahead. Only eight people, headed by Gilman, are involved in "long-range prediction—trying to forecast five days ahead, a month ahead and three months ahead.

The Weather Service's five-day predictions are correct roughly 80 percent of the time. When it comes to monthly and seasonal predictions, the adds are about 60–40. (However, Gilman's group did correctly forecast the current cold wave, in testimony two months ago before a congressional subcommittee.)

"Long-range prediction is in the twilight zone of forecasting," Gilman said. Although a cold fall frequently indicates a cold winter, winter weather gives few hints about spring. February and the rest of the year, could be warmer or colder than usual depending on complicated and unpredictable atmospheric physics.

"There's no statistical model of the atmosphere to guide us," Gilman said. "We're always groping around for a few meteorological clues to put together into a consistent image. Basically, it's a lot of head-scratching."

If this winter's weather tells little about the spring and summer, it reveals even less about future climatological change. A dispute is raging in the scientific world over whether the earth is becoming gradually warmer or colder.

"I don't think you can make any connection between this winter and the recent public argument that we're descending into a new ice age," Gilman said. "This isn't part of any long-term warming or cooling trend. It is a very regional thing with the extremes confined to only half of the northern hemisphere."

As far as Gilman is concerned, other scientists may speak in lofty terms about decades and centuries hence. But the Weather Service is busy with the unpredictable present.

THE FEDERAL AGENCY CONTROL AND REVIEW ACT

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. RAHALL. Mr. Speaker, I have received numerous complaints from my constituents concerning the ever growing "fourth branch" of Government—the Federal agencies.

In the course of enforcing the rules and regulations which they establish, these agencies deal with the public on a day-to-day basis and their work as well as the rules which they promulgate, are often interpreted as the "spirit of the law" for which we in the Congress are held responsible; therefore, I am cosponsoring legislation which will provide for a mandatory congressional review of each Federal agency at least once every 10 years.

At present, Congress has no effective check on the Federal agencies, save budget appropriations alone, and we are unable to effectively monitor the usefulness and responsiveness of the various agencies which too often overlook unique and special local situations which at least is partially responsible for the low esteem with which the American people view their Government.

Mr. Speaker, because there is a major problem in Government, I am today cosponsoring legislation which would require the Office of Management and Budget to conduct a comprehensive study of each agency's overall performance prior to the expiration date.

IMPLICATIONS OF NATURAL GAS SHORTAGE

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, all doubts that natural gas is critical to the well-being of the American economy and the American home have been removed. This year's shortfall of supply has combined with a record cold winter to provide dramatic evidence of the importance of natural gas to our comfort and our aspirations. For 160 million Americans, it has become a touch-and-go situation as to whether or not they will have a job to go to tomorrow, or a warm home in which to rest tonight. To industry, it is clear their production cornerstone is in danger of crumbling since more than 50 percent of the manufacturing undertaken in this country depends upon natural gas for operation. It is being curtailed and may have to be curtailed further.

Two years ago, while chairman of the House Government Operations Conservation, Energy, and Natural Resources Subcommittee, I chaired hearings on the then-predicted natural gas shortage emergency. A mild winter saved us, but the dominoes of economic disaster remained poised. It was clear to us that it was only a matter of time before they would begin to fall and our economy dealt a most harsh blow.

Mr. Speaker, the report our subcommittee drafted for the House Committee on Government Operations is worth review by the Members of this Congress. I say this, not with any sense of pride of authorship, but because our findings and our recommendations are as valid today as they were at the time of their issuance on July 25, 1975.

Today, as then, American industry with an excess of 80 percent dependence upon gas, but faced with severe curtailment of service, include our chemical, petroleum refining, fertilizer, sugar, metal can, steel pipe and tubing, oilfield machinery, and nonferrous metal companies. Any disruption of these basic industries as a result of curtailed gas supply could only mean increased unemployment and reduced productivity. Sadly, these predictions are coming true.

Then, it was known that glass products, structural clay products, building paper, biological products, rice milling, dehydrated food products. vegetable oils, aircraft, telephone and telegraph equipment, and gypsum products would be hit by further curtailment if not interruption. Sadly, these predictions have come true.

Then, it was known the recurrent patterns of gas curtailment would have near disastrous effects in our large industrial States such as New York, New Jersey, Pennsylvania, and Ohio. Sadly, these predictions have come true.

Then, we concluded the economic health and national security of the Nation were endangered because of the potential adverse effects the shortage would have upon employment and industrial production. Sadly, these predictions are coming true.

Mr. Speaker, in 1975 we urged the President to move immediately on a top-priority basis and to take whatever steps might be needed to prevent or alleviate predicted economic distress. If necessary, we felt the President should invoke the authority provided him by the Defense Production Act and declare certain regions, destined to be hit the hardest, as economic disaster areas before the fact. Most important, we stressed the need for contingency plans to deal with these shortages and emergencies and the need to coordinate and focus a national effort on the problem. We believed this could be done, but only if the President acted to control the production, shipment, and the distribution of natural gas on a coordinated national basis.

Mr. Speaker, I regret to say the strong recommendations the Congress made to the President at that time went unheeded and so it became clear these problems would remain without remedy and thus eventually would become crises in need of solution by law. Sadly, these predictions have come true.

Mr. Speaker, throughout my statement I have referred to House Report 94–412. Relevant excerpts from that report, including the summary, along with its findings and recommendations are as follows:

EXCERPTS FROM HOUSE REPORT 94–212

V. SUMMARY OF REPORT

The Committee on Government Operations through its Conservation, Energy, and Natural Resources Subcommittee has examined the issue of a natural gas shortage impending for the winter heating season of 1975–76 and has assessed the state of Federal preparedness to deal with that emergency.

Natural gas, consumed by 140 million Americans and necessary to the functioning of over one-half of the Nation's industry, is key to the well-being of the Nation. As demand for and consumption of natural gas has been increasing, supplies have been decreasing. Since 1970 curtailments of firm service (that service to be supplied without interruption under contracts) have increased each year. Curtailments for 1975–76 are projected by the Federal Power Commission to reach nearly 3 trillion cubic feet. This year's curtailments will be 45 percent greater than in the previous year and will affect many industries, especially in the Midwest and on the eastern seaboard. For the first time curtailments might reach residential users.

Alternate sources of fuel; namely, propane, butane, liquefied natural gas (LNG), and substitute natural gas (SNG) will apparently not be readily available for a variety of reasons.

A number of States and communities will be especially hard hit by the natural gas shortage this winter. Among the States:

Pennsylvania faces high risk of widespread unemployment, especially in glass, aluminum, automotive parts, and cement industries;

New York despite careful and comprehensive contingency planning, faces what it expects to be its worst year;

Ohio with a 60-percent shortfall of natural gas expected over the coming winter sees further widespread industry closing and unemployment and in the eyes of its Governor an "unprecedented crisis";

Kentucky faces the alarming prospect of a 100-percent curtailment of natural gas to its industries embracing 135 manufacturing companies and affecting at least 30,000 industrial jobs;

West Virginia anticipates a 60-percent curtailment which may necessitate drastic relocation of population and industry.

New Jersey expects a 3 billion cubic foot shortfall of natural gas over the 1975–76 winter which will result in a 60-percent curtailment for industrial users and could affect between 15,000 and 20,000 jobs.

Under a variety of statutes and Executive orders, a number of Federal agencies are charged with natural gas emergency preparedness responsibilities. These include the Federal Energy Administration, the General Services Administration, the Department of the Interior, the Federal Power Commission, the Energy Resources Council, and others. The ERC has been charged with leading and coordinating Federal efforts to deal with the gas shortage emergency and is operating through an interagency task force which is under the leadership of the FEA. The task force is gathering data and analyzing policy options. No policies or contingency plans have been developed. The data-gathering operation is encountering many problems.

VI. FINDINGS

Federal agencies are not prepared at this time with advance plans to cope with adverse effects on employment and industrial production even in areas they know now will be hard hit. There is too much of a "wait-and-see" attitude.

Natural gas is increasingly in demand and has become increasingly scarce.

Natural gas curtailments over the winter of 1975–76 will create emergency situations affecting many industries, especially in the Midwest and East.

Natural gas emergency preparedness responsibilities are dispersed throughout the executive branch and are often duplicative.

Coordination of emergency preparedness among the executive branch agencies is haphazard and often ad hoc.

VII. RECOMMENDATIONS

In view of the foregoing, the House Committee on Government Operations recommends the following:

1. All cognizant Federal departments and agencies should move immediately on a top-priority basis to take whatever steps are necessary within the scope of their legal authority to prevent or alleviate the impact of this coming winter's natural gas shortage on those States and areas expected to suffer most. If necessary the President should take preventive action under the criteria of the Defense Production Act and other legal authorities to declare certain regions as potential economic disaster areas before the fact and marshall the Federal Government's resources accordingly.

2. Emergency preparedness authorities should be clarified as they relate to future natural gas emergencies.

3. Departments and agencies with major responsibilities relating to natural gas should prepare memorandums of understanding or other documents delineating their respective duties which bear on natural gas emergencies.

4. Collection of data on natural gas supply and demand, availability of alternative fuels, and capability to use alternative fuels, together with assessment of impact of natural gas curtailments, should be accomplished on a continuing coordinated systematic and timely basis.

5. Because the natural gas emergency of 1975–76 will be a recurring problem, and because no effective emergency planning or coordinating mechanisms exist, and because neither the FPC nor the FEA or any other Federal agency has authority to take full necessary action in the face of a natural gas emergency, the President should propose and the Congress should give immediate consideration to legislation which would—

(*a*) Establish clear responsibility for preparing contingency plans for natural gas shortages and other natural emergencies;

(*b*) Establish clear responsibility for the coordination and focus of national efforts to deal with immediate and long-term shortages of natural gas; and

(*c*) Establish authorities to control the production, shipment, and distribution of natural gas on a coordinated national basis as necessary to deal with natural gas shortages.

6. The Federal Power Commission and the Federal Energy Administration should take appropriate action consistent with their emergency preparedness responsibilities, including litigation in Federal courts, if necessary, to compel natural gas producers to comply with the Natural Gas Act and regulations to deliver natural gas to consumers.

AMERICAN BAR ASSOCIATION COMMITTEE SUPPORTS FEDERAL GRAND JURY REFORM

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. EILBERG. Mr. Speaker, during the hearings of my Judiciary Subcommittee in the 94th Congress, representatives of the American Bar Association testified as to the need for grand jury reform and supported our efforts to make those reforms.

The Criminal Justice Section of the American Bar Association recently passed a series of standards relating to the grand jury, which will be submitted to the full membership of the American Bar Association in a few weeks. The report which accompanied the proposed standards indicates that they closely parallel the provisions of my bill, H.R. 1614, the Grand Jury Reform Act of 1977, which I recently introduced.

At this time I insert in the RECORD the report of the Criminal Justice Section of the ABA and the summary of the "Proposed ABA Grand Jury Principles":

HOUSE OF DELEGATES TO RECEIVE SECTION REPORTS ON GRAND JURY REFORM, CHANGES TO F.R.CR.P.

The Criminal Justice Section will ask the ABA's policy-making House of Delegates to place the Association in favor of major reforms in the operation of grand juries at both the federal and state levels. The request will be made in the form of a general resolution (similar to the one printed in the right-hand column of this page) which the House of Delegates will debate at its Midyear Meeting, February 9–15 in Seattle, Washington.

Based upon a report prepared by the Section's Grand Jury Committee, chaired by State's Attorney Richard E. Gerstein of Miami, Florida, the Section's resolution may well be among the most controversial—and potentially most far-reaching—subjects to be considered at the Midyear Meeting.

The report is phrased in terms of legislative principles in order that specific wording of grand jury reform bills introduced in the 95th Congress can be supported or opposed as appropriate, Gerstein said.

As amended the report was approved unanimously by the Section's Governing Council at its fall meeting in Scottsdale, Arizona, in November, capping two years of intense Section study of grand jury reform. During that period, Gerstein testified twice on behalf of

the Section on grand jury reform proposals before Congress, and the Section won limited support from the Association on the issue.

The Section's Grand Jury Committee is composed primarily of persons with substantial prosecutorial experience. In addition to Gerstein, they include: Seymour Glanzer of Washington, D.C.; Richard H. Kuh of New York City; George D. Crowley of Chicago; Judge Jack Rosenberg of New York City; David Austern of Washington; Charles Ruff of Washington; Professor George Pugh of the Louisiana State University Law School, Baton Rouge; Brian P. Gettings of Arlington, Virginia; Judge Paul Baker of Miami; Peter F. Langrock of Middlebury, Vermont; Paul B. Johnson of Tampa; Professor Melvin B. Lewis of John Marshall Law School, Chicago; and Sol Rosen of Washington. The law student member of the committee is Peter R. Wubbenhorst of Birmingham.

CAPITOL HILL ROUNDUP

When *Criminal Justice* went to press, Washington was filled with speculation about what the 95th Congress would be doing. Here are some "best bets" as perceived by Herbert Hoffman, Staff Director of the ABA's Governmental Relations Office.

Grand Jury Reform—Early February hearings are expected by Rep. Joshua Eilberg's (D.-Pa.) Judiciary Subcommittee. His bill (HR 1277) is much less comprehensive than HR 2986 (proposed by Rep. John Conyers, (D.-Mi.) but is thought to have the best chance of passage. It includes provisions for a grand jury of 15 and indictments by 9 votes. Changes on the role of counsel and challenges to subpoenas are also expected.

PROPOSED ABA GRAND JURY PRINCIPLES

BE IT RESOLVED, that the American Bar Association support in principle grand jury reform legislation which adheres to the following principles:

1. A grand jury witness shall have the right to be accompanied by counsel in his appearance before the grand jury; the role of such counsel should be the same as that before a Congressional committee.

2. A subject of a grand jury investigation shall be given the right to testify before the grand jury, provided he/she signs a waiver of immunity. Prosecutors shall notify such subjects of their opportunity to testify unless notification may result in flight or endanger other persons; or the prosecutor is unable with reasonable diligence to notify said persons.

3. The grand jury shall not consider unconstitutionally obtained evidence.

4. The grand jury shall not name a person in an indictment as an unindicted co-conspirator to a criminal conspiracy.

5. A grand jury should not issue any report which singles out persons to impugn their motives, hold them up to scorn or criticism or speaks of their qualifications or moral fitness to hold an office or position. No grand jury report shall be accepted for filing and publication until the presiding judge submits *in camera* a copy thereof to all persons named or identifiable and such persons are given the opportunity to move to expunge any objectionable portion of said report and have a final judicial determination prior to the report's being published or made public. Such motion to expunge shall be made within ten days of receipt of notice of such report. Hearings on such motions shall be held *in camera*.

6. The grand jury should not be used by the prosecutor in order to obtain tangible, documentary or testimonial evidence to assist the prosecutor in preparation for trial of a defendant who has already been charged by indictment or information. However, the grand jury should not be restricted in investigating other potential offenses of the same or other defendants.

7. The grand jury should not be used by the prosecutor for the purpose of aiding or assisting in any noncriminal inquiry.

8. Witnesses who have been summoned to appear before a grand jury to testify or to produce tangible or documentary evidence should not be subjected to unreasonable delay before appearing or unnecessarily repeated appearances or harassment.

9. It shall not be necessary for the prosecutor to obtain approval of the grand jury for a grand jury subpoena.

10. A grand jury subpoena should indicate the statute or general subject area that is the concern of the grand jury inquiry.

11. In any case in which a subpoenaed witness or a person directly affected thereby moves on proper grounds to quash a grand jury subpoena, the prosecutor should be required to make a reasonable showing in camera and on the record before the court convening the grand jury that the evidence being sought is:

(a) relevant to the grand jury investigation;

(b) properly within the grand jury's investigation; and

(c) not sought primarily for another purpose.

12. A subpoena should be returnable only when the grand jury is sitting.

13. When the circumstances make it reasonable, motions to quash or modify subpoenas may be brought at the place where the witness resides, the documents sought are maintained, or before the court which issued the subpoena at the election of the witness. Such motions should be heard in camera and on the record.

14. All matters before a grand jury, including the charge by the impaneling judge, if any; any comments or charges by any jurist to the grand jury at any time; any and all comments to the grand jury by the prosecutor; and the questioning of and testimony by any witness, shall be recorded either stenographically or electronically. However, the deliberations of the grand jury shall not be recorded.

15. Expanding on the already-established ABA position favoring transactional immunity, immunity should be granted only when the testimony sought is in the public interest; there is no other reasonable way to elicit such testimony; and the witness has refused to testify or indicated an intent to invoke the privilege against self-incrimination.

16. Immunity shall be granted on prosecution motion in camera by the trial court which convened the grand jury, under standards expressed in Principle No. 15.

17. The granting of immunity in grand jury proceedings should not be a matter of public record prior to the issuance of an indictment or testimony in any cause.

18. If the court determines that there is multiple representation of witnesses in a grand jury proceeding, it shall advise the witnesses that they have the right to be separately represented by counsel, and explain that conflicts of interest may otherwise arise.

19. The confidential nature of the grand jury proceedings requires that the identity of witnesses appearing before the grand jury be unavailable to public scrutiny.

20. It is the duty of the court which impanels a grand jury fully to charge the jurors by means of a written charge completely explaining their duties and limitations.

21. All stages of the grand jury proceedings should be conducted with proper consideration for the preservation of press freedom, attorney-client relationships, and comparable values.

22. The period of confinement for a witness who refuses to testify before a grand jury and is found in contempt should not exceed 6 months.

23. The court shall impose appropriate sanctions whenever any of the foregoing principles have been violated.

HARVARD UNIVERSITY PRESIDENT CALLS FOR AFFIRMATIVE UNIVERSITY ADMISSIONS PROGRAMS

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. HAWKINS. Mr. Speaker, the California Supreme Court, by a 6-to-1 decision, ruled against a policy of the University of California that provided minority students preference in admission to a medical school. This decision may set a precedent for other affirmative action programs of colleges and universities throughout the country. Dr. Bok, president of Harvard University, comments on reasons for his opposition to the Court ruling and how giving preference to minority students will enhance the educational system. I wish to personally commend Mr. Bok for his constructive comments and submit a portion of his Meet the Press interview as follows:

PORTON OF INTERVIEW ON MEET THE PRESS

Mr. MONROE. The California Supreme Court, by a six to one decision, recently threw out a policy of the University of California that gave preference to minority students in admission to a medical school. Won't this decision affect the affirmative action program of almost every college and university in the country?

Mr. BOK. Yes. It may not apply directly to private institutions, but they are sure to be influenced by it, and for that reason, among others, I am strongly opposed to that decision.

Mr. MONROE. What can be done about the decision?

Mr. BOK. When a comparable decision came up last time, Professor Archibald Cox, my colleague and friend at Harvard, prepared on behalf of the university a very long *amicus* brief to the Supreme Court, trying to explain the reasons why race might be a relevant factor in making sound admissions decisions and why the courts should not attempt to prevent institutions from considering that factor.

Mr. MONROE. Is it fair, Mr. Bok, to give preference to minority students? Can you be fair to majority students while giving preference to minority students?

Mr. BOK. That is a very good question. Let me begin by acknowledging there are a number of people who feel that it is unfair to admit a minority student if there is a nonminority student who has higher grades and higher test scores.

I would respond to that by pointing out first of all that although grades and test scores are certainly relevant and helpful in trying to decide which students are capable of doing good academic work, they are by no means the only factor that can enter into a sound admission decision. They don't tell you very much about what students will do after they graduate.

We are interested in educating students who will make a distinct contribution, and in a country where there are so few minority persons in leading business, law firms, hospitals, government agencies, we feel that a well-trained minority student may make

a distinctive contribution, especially in a country which suffers from the racial tensions that we have experienced.

Another consideration lies in trying to put together a class, as I mentioned a few minutes ago, in which there is a real diversity because students learn as much from each other as they do from the professors and the tests and the papers. And again, in a country which has serious racial divisions and differences, to have a substantial number of minority students can provide a real opportunity for students of all races to learn from one another.

Race, of course, is not the only other factor. We try to develop diversity in our classes in many other ways. We look for many different talents and a great diversity of backgrounds to enrich the mix of our students. But for a court to say that race is of no relevance at all, I think is unwise. First, for the reasons I have indicated, but there is another deeper reason.

Even if one disagrees with the points I have made, I hope we would all agree that this is a difficult question. Reasonable people can differ about how minority students should be treated in the admissions process. For that reason it is very, very important that these decisions be made through experimentation, through trial and error, by the admissions officers who are really experienced in the process of trying to put together a good class, to cerate a good educational experience.

It would be most unwise to take up questions where there are differences of opinion of this kind and subject it to a uniform, rigid rule for all institutions, imposed by judges who, good as they are, do not have intimate, first-hand experience in the nuances and subtleties of the admissions process.

Mr. MONROE. If you pick out a student and give him preference because he is a member of a racial minority, would you be willing to call that reverse discrimination?

Mr. BOK. You can attach any label you want. I think it is designed to enhance the educational process and to enhance the contributions which graduates of the institution will make. I do not apologize for it. I defend it. We can attack anything by attaching labels. But I don't think labels really get at the subtler process of how we admit students in ways that will enhance our contribution and the educational experience those students undergo.

THE PAY COMMISSION—COMPARING APPLES AND ORANGES

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mrs. SCHROEDER. Mr. Speaker, in its December report, the Commission on Executive, Legislative, and Judicial Salaries went through a lot of mumble-jumble in reaching what I believe was a predetermination that salary levels for top level bureaucrats, Federal judges, and Members of Congress should be jacked sky high. The hocus-pocus in the report goes to great length comparing costs of living, hourly earnings for U.S. workers, pay of top State officials, U.S. industrial salaries, and the like. According to its findings, we poor people of the Congress, the executive, and the judicial branches are very lucky that we do not go to work year round wearing the barrels in which political cartoonists popularly dress Jane and John Q. Public each April 15.

Mr. Speaker, the Commission alleges that we cannot compare our salaries with any others exactly, but that we can find some comparisons out of their mumble-jumble.

This is pure malarkey. The Pay Commission ignored the best set of comparisons in the world—those of other rich industrial nations' members of parliaments.

Why the Commission left these facts out speaks for itself. The average Member of Congress already makes 40 to 60 percent more than any other Western nations' representatives. And this figure does not include the general average abysmal working conditions—ranging from no offices and staff, to no mailing privileges, to no free telephones, which these other nations' public servants have to put up with.

I am sure that the following chart comparing costs of living and salaries in capital cities will be of interest to my colleagues:

Countries	Cost-of-living index [1] (N.Y. equals 100)		Members' pay in local currency [2]		Members' pay in current U.S. dollars [3]
	Number	City	Amount	year	
United States	92	Washington	$44,600	1976	$44,600
Australia	99	Sydney	$A20,000	1975	27,350
Canada	87	Montreal	Can$24,200	1976	24,000
Denmark	122	Copenhagen	DKr150,000	1976	25,000
France	123	Paris	F120,300	1976	23,400
Italy	77	Rome	Lit11,500,500	1976	13,000
Japan	123	Tokyo [4]	¥5,000,000	1972	17,100
Netherlands	123	The Hague	f.75,300	1975	28,450
Sweden	120	Stockholm	SKr86,800	1975	20,400
United Kingdom	88	London	£4,500	1976	7,700
West Germany	120	Bonn	DM44,100	1975	18,300

[1] Source: U.N. Monthly Bulletin of Statistics (special table D) August 1976.
[2] Source: Embassies of respective countries and Library of Congress.
[3] Rounded off current exchange rates.
[4] Excluding housing.

NATIONAL GRADUATING CLASS OF 1977 MONTH

HON. HERBERT E. HARRIS II

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. HARRIS. Mr. Speaker, today, I am introducing a bill which would designate the month of June 1977 as National Graduating Class Month and reaffirm our commitment to the educational goals of this Nation's youth.

I would like to particularly acknowledge the achievements of the 14,000 high school students graduating in 1977 from schools in the Eighth District of Virginia.

It seems highly appropriate to set a commemorative time in order to fully recognize the accomplishments of these young people, as the 1977 class will be the first high school graduating class in America's tricentennial period. I believe that by giving these youngsters recognition of this type, the Congress will be offering them special encouragement to continue to excel and pursue productive lives.

The bill follows:

Whereas those students graduating from high schools in 1977 will represent the first graduating class of America's tricentennial period; and

Whereas national recognition of their talents and achievements will motivate them and others to pursue further educational experiences and productive lives; and

Whereas special acknowledgment of their talents and achievements is appropriate at this point in our Nation's history: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of June 1977 is designated as "National Graduating Class of 1977 Month", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe that month with appropriate ceremonies and activities.

A TRIBUTE TO JIMMY CARTER

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. BINGHAM. Mr. Speaker, the inauguration of Jimmy Carter as President has filled Americans everywhere with a new spirit of hope and faith in America. One such individual is a constituent of mine, Rabbi Baal-Ha-Tov. This gentleman has created a beautiful scroll in honor of President Carter which has been signed by numerous dignitaries. The rabbi has been doing such scrolls commemorating Presidents since Harry Truman's day and has had many of them publicly displayed.

In addition, this gentleman was so inpired by President Carter that he has written the following poem, which I would like to share with my colleagues and other readers of the RECORD:

CARTER'S CHORUS

(By Rabbi Baal-Ha-Tov)

Birds are singing
Chimes are ringing
Music is rhyming
Themes have timing
People are dining
Happy faces are shining
Joyous hearts humming
Better days are coming
Crowds are dancing
Lofty adventures advancing
Cheering impressions implanting
Throngs are chanting
America is smarter
In choosing Jimmy Carter
To save America's starter
Skilled Navigator's charter
Keen intellectual imparter
Morality righteousness worth bother
Advocate justice extreme ardor
Really no one works harder
To further progress much farther
Inauguration, celebration
Commemoration, adulation
Inauguration celebration of Jimmy Carter
Who will represent
Everybody's President

THE MEANING OF AMERICA

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. HUBBARD. Mr. Speaker, our Nation means a great deal to all Americans, though I would doubt that its meaning is the same for any of our citizens. I would like to share with my colleagues in the House the meaning of America through the eyes and in the words of Miss Pennye Steele, a perceptive junior at the Hughes-Kirk High School in my First Congressional District of Kentucky. Pennye is the daughter of Mr. and Mrs. Cecil Steele of Beech Creek in Muhlenberg County. Her essay, "What America Means to Me," won the Voice of Democracy Contest sponsored by VFW Post 5478 in Greenville, Ky. It is as follows:

WHAT AMERICA MEANS TO ME

(By Miss Pennye Steele)

Why did so many people come to America? What is a "true American"? Are there any Americans left in the United States? Is there any reason why I should be proud to be an American?

I can visualize the Pilgrims on board the Mayflower in the early 1600's, anxiously awaiting the landing at Plymouth Rock. They had not yet recovered from the perilous voyage when the wintry winds planted disease in their midst. Nevertheless, these wayfarers had come to America for freedom and freedom they meant to have. It seems unreal that the hardships suffered during their first icy winter helped to shape our nation today.

The dream of the settlers was one of independence, freedom to live without fear of punishment. Who would have imagined that the idea of independence was anchored so firmly in the rebels' hearts? What shocking news! The colonies were actually going to war with their mother country.

America has sheltered many famous persons, people who possessed an unsurpassed spirit of nationalism and loyalty. These Patriots were willing to give their own lives to earn freedom for their families. This strong sense of loyalty was portrayed in the dying words of Nathan Hale: "I only regret that I have but one life to lose for my country." Where has this patriotism gone? Where would I be without men such as he?

Many wars have been fought since the first settlers came and thousands of noble men have bled for the idea of a free nation. These men knew the perils of war but each looked unafraid into the eye of Death. The heritage of Independence, that caused our forefathers to sacrifice their lives, is the tradition that every American should be proud of. When I consider all the brave men who died for the preservation of my future, then I am proud to be an American.

Americans know there are problems in the United States; however, we never stop to be thankful that war has not overpowered our government. The United States appears, in the eyes of various nations, as a "beacon light" shining through dark, foggy skies. As a lighthouse save ships from peril, the United States helps many countries less fortunate than we.

A true American may be a mixture of nationalities. What caused so many people to leave their homes to come to America? If a man's country had no food for him or encouragement, only frowns and punishment, he would turn to America, the proud land of equal opportunity. In our land a man would not be classed as a beggar, because he owns a rank of importance, United States citizenship. This should make each American proud to aid individuals from other nations.

What denotes the United States as such a unique and successful country? A totally different people, all striving for the ideas of freedom and independence, make America what it is today. The citizens control our government through participation in elections. A government "of the people, by the people, for the people" enables all citizens to have a voice. This is a giant step from the Colonial Days to modern times and without doubt the Pilgrims would be pleased with our progress.

I know there are still loyal Americans in the United States. The people who are proud of what they are will work to secure a richer legacy for the future; these are the true Americans! It is wonderful to live in a free land where we can be whatever we make ourselves. As an heir to a great heritage, I am proud to be an American. I will always love my country for what it is" . . . one nation under God, indivisible, with liberty and justice for all."

CODE OF FUND-RAISING ETHICS FOR VOLUNTARY AGENCIES

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. MURPHY of New York. Mr. Speaker, I recently received a copy of the "Code of Fund-Raising Ethics for Voluntary Agencies" from the Christian Children's Fund of Richmond, Va. This is, to my knowledge, the first self-imposed multi-agency attempt to regulate voluntary foreign aid organizations serving children.

I would like to take this opportunity to heartily commend the Christian Children's Fund and the four other child welfare organizations, Compassion, Foster Parents Plan, Holt International Children's Services, and Save the Children Federation. This endeavor will provide for the protection of the individual consumer in the field of voluntary contributions. It is also a protection to the children who benefit from these organizations because it will guarantee that fund-raising and administrative expenses are kept at the lowest possible percentage of receipts. The needy children of the world will become, in fact, the beneficaries of the generosity of the American people.

I enclose the full text of this "code of ethics" to be inserted in the RECORD:

CODE OF FUND-RAISING ETHICS FOR VOLUNTARY AGENCIES

Cognizant of the value of and need to restate high principles in fund-raising, the undersigned voluntary agencies in person-to-person assistance herewith reaffirm and pledge continuing compliance with the following minimum ethical standards of practice:

1. We maintain full confidentiality of all sponsors and contributors on our mailing lists, which will neither be sold to nor exchanged with any other agency or commercial enterprise.

2. Using uniform accounting methods, as prepared by the American Institute of Certified Public Accountants, we will make full financial disclosure as reported in audit to any requesting person, agency or the media, and will publish annually a full statement of support, revenue, expenses and changes in fund balances.

3. We are committed to minimize overhead costs; to keep fund-raising and administrative expenses at the lowest possible percentage of receipts.

4. We utilize designated contributions only in programs and projects identified by the donor.

5. We pay no commissions, percentages or finder's fees to anyone for the acquisition of new sponsors or contributors, (to the advertising media, employees, or outside consultants).

6. We refuse to engage in dubious fund-raising methods, including mailing unsolicited merchandise or cannisters; paid canvassing; telephone solicitation to the general public; offering prizes or sweepstakes; combining appeals with commercial sales which do not define specific benefits to the agency; conducting misleading campaigns or events; and paying for or making use of insincere endorsements.

7. We make economical and judicious use of all methods of fund-raising including direct mail, broadcast and print advertising.

8. We are truthful in our broadcast, print and direct mail advertising using actual, current case histories and honest statements of purpose. We neither minimize nor overstate the human needs of those whom we assist.

9. We demonstrate respect for the integrity, pride, beliefs and culture of the people whom we serve, and will not denigrate them in our advertising and promotion.

10. Our objective in all our efforts is to further the good of the children who are in need, their families and communities; to raise the resources required to assist them, and to increase the good will and support of our constituents and the public on one hand and of the people and governments of the nations we serve on the other.

Christian Children's Fund, Richmond, Virginia.

Compassion, Chicago.

Foster Parents Plan, Warwick, Rhode Island.

Holt International Children's Services, Eugene, Oregon.

Save The Children Federation, Westport, Connecticut.

OUTSTANDING NEWSMAN, THOMAS FRIER, ANNOUNCES RETIREMENT IN GEORGIA

HON. BILL LEE EVANS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. EVANS of Georgia. Mr. Speaker, a well-known and highly respected newsman has decided to step down from the publishing field, and I wish to extend my good wishes to him upon completion of nearly 40 years of outstanding service.

Thomas Frier of Douglas, Ga., is one of our State's outstanding newspaper publishers and he is truly a fine gentleman.

While he is turning over his newspaper responsibilities to his two sons, Tom, Jr., and David Frier, we have an idea that Thomas Frier, along with his wife, Ruth, will continue to be in the forefront of "doing what is right" in their home area of Douglas and Coffee County where the Friers have already made significant contributions in church and civic activities.

Mr. Speaker, I wish to share the announcement of his retirement with my colleagues in the House of Representatives:

[From the Douglas (Ga.) Enterprise Jan. 13, 1977]

ENTERPRISE PUBLISHER THOMAS H. FRIER ANNOUNCES RETIREMENT

Announcement is made today of the retirement of Thomas H. Frier, 58, publisher of the Douglas Enterprise for the past 37½ years. His sons, Thomas H. Frier, Jr., and J. David Frier, will succeed him, assuming the active management of Enterprise Publishing Co., Inc.

A native of Douglas, the retiring publisher is son of the late W. R. Frier who operated the Enterprise for 31 years. He succeeded his father in 1939, immediately following graduation from the University of Georgia with an A.B. degree in journalism.

During these years Mr. Frier has seen the Enterprise grow from a small six-page, 800 circulation weekly to an average 32-page, 3,850 circulation community newspaper. Through these years the Enterprise has been the recipient of more than 60 state and national awards for excellence.

Publisher Frier's personal operation of the newspaper was interrupted only once back in the early 40s, when he saw service in the U.S. Army during World War II. In that critical period Mrs. Frier and one employee continued publication of the Enterprise until her husband's return in 1945.

Mr. Frier has been involved in community life through these years. He has served as president of the Douglas Rotary Club, being one of the organizers and charter members of this service club. His sustained interest in the economic development of Coffee County resulted in several tenures of service on the Chamber of Commerce board of directors and a term as president of the trade body.

In his profession, Mr. Frier has been active in the Georgia Press Association, serving several times on the board of managers, chairman of the annual Press Institute in Athens, and more recently as president of the Georgia Press Association. It was during his term of office that a building was purchased in Atlanta as the permanent home for the Association's central offices.

The Enterprise publisher is a member of Sigma Delta Chi, National professional journalism society.

Mr. Frier has been dedicated to his church and denomination, being a deacon in Douglas First Baptist Church. He has served as Sunday School Superintendent, member of the Building Committee responsible for erecting the present church plant, and chairman of the Bond Sales committee which raised the necessary funds for this construction.

Mr. Frier was one of the organizers of Eastside Baptist Church, working with the congregation while a mission of First Baptist.

In Baptist denominational life, Publisher Frier has served as moderator of the Smyrna Association, trustee of Baptist Village, member of the board of directors of the Christian Index, trustee of Norman College, member of the Georgia Baptist Convention Executive Committee, and the lay member from Georgia on the Southern Baptist Convention's Committee on Committees.

The retiring newspaper publisher has been on numerous Baptist lay missions, having worked with churches in Japan, Hong Kong and India. His effort in these areas was under supervision of the Southern Baptist Convention's Foreign Missions Board.

Future plans for the retiring newspaperman include completion of research and writing of a comprehensive history of the Douglas First Baptist Church, and contributions of special features to the Enterprise from time to time.

LEGISLATION TO PROVIDE DISASTER AID FOR EDUCATIONAL AGENCIES

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. ABDNOR. Mr. Speaker, I am today introducing a bill to amend Public Law 81–874, relating to financial assistance in federally affected areas. My bill would amend section 7(A) of the act to provide financial assistance to local educational agencies located in whole or in part within an area in which an emergency exists.

At the present time, the impact aid law provides assistance to school districts which suffer a loss of revenue due to a catastrophe which is declared by the President to be a "major disaster." Until such time as the President makes this declaration, there is no other avenue for schools in need of help, even for those schools within an emergency area.

In South Dakota, we are currently suffering the effects of one of the worst droughts in this history of the State. Although over two-thirds of the counties in South Dakota have been declared "emergency" areas, we have been unsuccessful in our attempts to obtain a "major disaster" designation. As a result, our schools are ineligible to receive Federal aid.

The drought has caused a significant reduction in the valuation of personal property in a great many school districts due to the forced selling of foundation cattle herds. Statewide, the livestock selloff is currently projected to be about 40 percent, with nine counties having an estimated selloff of over 70 percent. Since our school districts in South Dakota are primarily dependent on county property tax revenues, it is easy to see why they are faced with severe financial problems.

Mr. Speaker, to give you a better idea of the impact of the drought on many of our local educational agencies, I would like to share with you the remarks of the superintendent of one of our smaller school districts. The following is a part of a statement given by Superintendent John T. Biegler, Polo School District 29–2, Polo, S. Dak., to the State board of education on September 21, 1976:

I would to .... discuss the added impact that this drought will have on the small school.

First of all, the drought will force this school district to cut its General Fund expenditures by 32.23% or $32,000, for the next school year. The reason for this is because we, like many small schools in the state, are more dependent upon the assessed evaluation on agricultural property, than bigger school districts. In our case, 97.68% of our total assessed evaluation is agricultural property.... Unlike some school districts, we are at maximum mill levy. We will not have a significant carry over, nor do we have a substantial cushion built up.

Before the real problem for the small school is finding ways to cut. We offer 26½ units of credit—just one-half above the required minimum. So, we can't cut curriculum. That leaves activities. Certainly, as much I hate to, we can cut activities. But in our case, this would only result in a savings of $1,500 to $2,000, which is really not terribly significant when trying to cut $32,000.

So what do we do? In all honesty, and all sincerity, I don't know. Certainly we can borrow the money. But what scares me about that is what happens if we have another dry spring and summer.

Mr. Speaker, I would like to emphasize the fact that this is not an isolated case. While the situation described by Mr. Biegler is certainly one of the worst, it is also characteristic of the predicament that many other South Dakota school districts are facing. They are badly in need of help and have nowhere to turn. The South Dakota State Legislature, which is presently meeting in Pierre, is acutely aware of the problem and is doing all it can to ease the burden of our local educational agencies. However, the droughts has had a devastating impact throughout the State's economy, and the legislature will be hard-pressed to generate the funds necessary to provide additional aid to our schools.

Mr. Speaker, we have been working long and hard to try to convince Congress and the administration that a drought is a disaster that deserves the same attention as a flood, fire, hurricane, earthquake, or other catastrophe. We have made some progress in this effort, and it may be that we will receive a major disaster designation in the months ahead. Whether we are successful or not, I believe it is imperative that Congress provide a mechanism to give assistance to needy school districts. It is sad that the U.S. Congress is able to provide millions in aid to disaster victims in foreign lands, but we are oftentimes reluctant to provide help to our own citizens in times of need.

The legislation that I am introducing today would allow the Commissioner of Education to provide help to school dis-

tricts which are truly in need of financial assistance, whether they be located in major disaster areas or in emergency areas. As we all know, the declaration of a major disaster area is often a difficult decision to make, and because of this fact, it is important to give the Office of Education some flexibility in providing aid to local educational agencies. I urge my colleagues to join me in this effort to provide necessary educational opportunities for all our citizens.

Following is the text of the bill:

H.R. 2663

A bill to provide financial assistance to local educational agencies located in whole or in part within an area in which an emergency exists

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7(a) of the Act entitled "An Act to provide financial assistance for local educational agencies in areas affected by Federal activities, and for other purposes" (Public Law 874, Eighty-first Congress, approved September 30, 1950, as amended; 20 U.S.C. 241–1 (a)(1)(A)), hereinafter referred to as the Act of September 30, 1950, is amended—

(1) by striking out clause (1)(A) and inserting in lieu thereof the following:

"(1)(A) the Director of the Office of Emergency Planning determines with respect to any local educational agency (including for the purpose of this section any other public agency which operates schools providing technical, vocational, or other special education to children of elementary or secondary school age) that such agency is located in whole or in part within an area in which an emergency (as defined in section 102(1) of the Disaster Relief Act of 1974 (42 U.S.C. 5122(1))) or a major disaster (as defined in section 102(2) of such Act (42 U.S.C. 5122 (2))) has occurred after August 30, 1965 and prior to July 1, 1978, which in the determination of the President pursuant to section 301 of such Act (42 U.S.C. 5141), is or threatens to be of sufficient severity or magnitude to warrant emergency or disaster assistance by the Federal Government; or";

(2) by striking out clause (1)(B) and inserting in lieu thereof the following:

"(B) the Commissioner determines with respect to any such agency, without regard to whether an emergency or major disaster has occurred in the area, that public elementary or secondary school facilities of such agency have been destroyed or seriously damaged prior to July 1, 1978, as a result of any of the catastropes listed in section 102(1) of such Act (42 U.S.C. 5122(1)), except any such catastrophe caused by negligence or malicious action; and"

(3) in clause (2) by striking out "disaster" and inserting in lieu thereof "emergency, major disaster, or catastrophe", and by inserting "emergency, major disaster, or" before "catastrophe";

(4) in clause (3) by striking out "disaster" and inserting in lieu thereof "emergency, major disaster, or catastrophe";

(5) in clause (4) by striking out "in the case of any such major disaster", and by striking out "impaired by such disaster" and inserting in lieu thereof "impaired by such emergency, major disaster, or catastrophe"; and

(6) in the portion that follows clause (4)—

(A) by striking out "such agency suffered a disaster" and inserting in lieu thereof "an emergency, major disaster, or catastrophe occurred" in the sentence beginning with "Such additional assistance";

(B) by striking out "disaster" and inserting in lieu thereof "emergency, major disaster, or catastrophe" in the sentence beginning with "The amount so provided for any fiscal year"; and

(C) by striking out "such agency has suffered a disaster" and inserting in lieu thereof "an emergency, major disaster, or catastrophe has occurred" in the last sentence.

SEC. 2 Section 7(b) of the Act of September 30, 1950 (20 U.S.C. 241–1(b)) is amended by striking out "disaster" in each place it appears and inserting in lieu thereof "emergency, major disaster, or catastrophe".

SEC. 3. The title of section 7 of the Act of September 30, 1950 (20 U.S.C. 241–1) is amended to read as follows: "Assistance for current school expenditures in cases of certain emergencies, major disasters, and catastrophes."

CATASTROPHIC HEALTH INSURANCE: IF YOU WANT IT, ALL YOU HAVE TO DO IS ASK FOR IT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. CRANE. Mr. Speaker, though HEW Secretary Califano stated during his confirmation hearings that he does not expect President Carter's plan for comprehensive national health insurance to be submitted to the Congress this year, it seems likely that we will be asked to consider a number of other proposals to provide Federal assistance for health care. As either an alternative to or a precursor of comprehensive NHI, legislation has been proposed that would provide mandatory and universal health insurance for catastrophic illnesses.

While I would not dispute the fact that some Americans experience great economic hardship as the result of accidents and long-term illnesses, which exhaust both their insurance benefits and savings, I feel that the need for nationalized catastrophic insurance has been greatly exaggerated. Before we adopt such a plan we must first examine whether the problem of catastrophic illnesses is sufficiently widespread to justify the great expense of Federal insurance.

Nearly all Americans are covered by either private health insurance or Government-financed medical care such as medicare, medicaid, CHAMPUS, or VA. More than 180 million of us have some kind of private health insurance plan and 135 million have a form of catastrophic coverage. Statistically, only 1 percent of the population is struck by catastrophic illness—bills of more than $2,000, and of those, more than 80 percent are over 65 and covered, therefore, by Government programs. For the remainder, private insurance and/or financial resources suffice to pay the bills of all but a few of these patients. The number of people left unprotected under our present system of mixed private and public coverage is hardly large enough to warrant a Federal program costing a minimum of $20 billion annually.

Aside from the fact that a catastrophic NHI plan would benefit only a small segment of the population, most of whom have no need for additional coverage, the adverse effects it would have on the Nation's health care system are potent arguments against its adoption. As with many other forms of national health insurance, there would be higher costs per beneficiary than under private plans, it would act as a disincentive for people to seek preventive or early treatment, it would encourage increased utilization of the more expensive services and create a further distortion of the allocation of health resources. Moreover, it would do nothing toward alleviating the problem of increased health costs, merely shift the burden of administering catastrophic insurance from the private to the public sector. The taxpayers now have the freedom to choose, from among many plans, the plan offering the amount of coverage they need or want at a price they can afford. Under a Government plan, the vast majority will be forced to pay much more in return for little additional benefits.

I believe that our present system has the capability to provide adequate catastrophic insurance coverage without Federal intervention and the ills that would inevitably accompany it. What is really needed is a greater public awareness of the availability of low-cost catastrophic insurance, not a mandatory and universal plan.

Mr. Llewellyn H. Rockwell, Jr., presented a clear and convincing case against the adoption of catastrophic NHI in the January 1977 issue of Private Practice magazine. I am inserting that article in the RECORD for the benefit of my colleagues:

PRIVATE CATASTROPHIC HEALTH INSURANCE FOR A FAMILY OF FOUR: $1 A WEEK

(By Llewellyn H. Rockwell, Jr.)

Americans aren't storming the Capitol demanding National Health Insurance. But the public support that does exist—leaving out those ideologically biased in favor of government control of everything—rests on the understandable fear of financial disaster through catastrophic illness.

Before we can rationally discuss the necessity or desirability of a catastrophic NHI bill, we need to answer some questions:

How widespread is catastrophic illness?

How available is private health insurance that will cover such illnesses and end the risk of financial wipeout for the average family?

How much does such coverage cost?

How many Americans already have this coverage?

For some families, a hospital bill of $750 would be catastrophic. Others could pay $7,500 without strain. In most studies, however, $2,000 and $5,000 are the most common figures.

Six years ago, Dr. Francis A. Davis made a study of catastrophic medical expenditures in Shawnee, Oklahoma, where he practices. Greater Shawnee, with a population of 50,000, was close to the U.S. average in numbers of hospital beds and hospital admissions per 1,000. In that year, he discovered, only one percent—72 patients—had bills of more than $2,000. Of those 72, 60—84%—were over 65 and already covered by a government program. Ten had private catastrophic coverage, and two had the resources to pay their own bills without trouble. Hardly a crisis. But what about the country as a whole in these days of significantly higher costs?

Health researcher Michael Meyer decided to find out. His results are reported in the best study of this question yet published. "Catastrophic Illnesses and Catastrophic

Health Insurance," sponsored by the Heritage Foundation of Washington DC (1974).

Meyer used a scientifically selected sample of 132 hospitals in 25 states involving almost 26,000 patients.

All kinds of hospitals were surveyed, but the psychiatric and other longterm hospitals provided some especially interesting data: "1. While psychiatric patients comprise only 2 percent of the total hospital admissions, the average psychiatric hospitalization is a catastrophic expense . . . approximately $8,000. 2. Patients in tubercular and other respiratory disease hospitals and longterm general hospitals, comprising .4 percent of the total hospital admissions, also have . . . catastrophic illness expenses (averaging) $6,000." This 2.4 percent of hospital admissions plays a disproportionate role in the total figures.

And 19.3 percent of all the patients in the survey were receiving Medicare assistance. But only 0.9 percent of all the patients whose bills were less than $9,000 were on Medicare; 40 percent of those whose bills exceeded $3,000 were Medicare patients.

The total results showed that:

8.7 percent of all patients had hospital expenses over $2,000.

.3 percent of all patients had hospital expenses over $10,000.

4.2 percent of all patients had hospital expenses over $5,000.

The increase over Dr. Davis's figures can be explained by the major contributors to rising medical costs: Medicare and Medicaid, government inflation of the money supply, and costly governmental hospital regulations.

Of course, only a minority of Americans go to the hospital in any one year. Applying these findings to the entire population, Meyer showed that .8 percent of all Americans have expenses in one year exceeding $5,000; but of this .8 percent, almost 80 percent are either psychiatric or Medicare patients. In other words, leaving aside these two special categories (where government is so heavily involved), only .16 percent of all Americans have seriously catastrophic expenses in any given year.

PRIVATE HEALTH INSURANCE

The private health insurance industry—like private medical care—is a supreme example of the way the free market responds to consumer demands. In 1847, the first health insurance company was founded. By 1940, about 12,000,000 held policies. Today, over 180 million Americans have some form of private health insurance, individually or as members of groups. 135,000,000, according to the Health Insurance Association of America, have some form of catastrophic coverage. 85.5 million have comprehensive major medical insurance which pays, often, 100 percent of everything over $1,000 (and usually 80 percent under that) up to a maximum that varies from $10,000 to $25,000, in most cases.

Most of the remainder of the population is covered under some government program: Medicare, Medicaid, Champus, or VA.

But what about people who don't have this coverage already? How much would it cost for them?

Financial advisor Sylvia Porter points out that catastrophic coverage, which piggybacks on major medical, is surprisingly inexpensive. A policy that pays all expenses up to $250,000, with a $10,000 deductible, costs a person in the 25–29 age bracket $22 a year. Children are $4 each. For a young family of four, in other words, catastrophic coverage costs $52 a year. For the individual 35 years old, the cost is $32. At 45, it's $40; at 50, $44; at 55, $48. Between the ages of 60 and 64, the cost is still only $52 a year.

CATASTROPHIC NHI

A number of catastrophic National Health Insurance bills have been introduced into Congress. Long-Ribicoff is the best known. Despite his apparent commitment to a Kennedy-Corman-style comprehensive NHI plan, some Washington observers believe President Carter will propose catastrophic coverage as a first step toward a complete government takeover of the medical care system.

Most probably, such a plan would pay all expenses over $2,000. And the cost the first year, the Congress of County Medical Societies estimates, would be about $20 billion. That is, about $370 for a family of four—vastly more expensive than private coverage. And given the example of past government medical programs, we could expect the cost to grow at a frightening rate.

Of course, $20 billion is a fraction of what comprehensive NHI would cost. But even it would exert a high price in bureaucratic controls on patients and doctors, with plenty of incentives to shoddy care and corruption thrown in, if Medicaid is any guide.

Although it would be the least onerous form of NHI, the distortions it would introduce into the marketplace might make catastrophic NHI the beginning of the end for private medical care in America.

The key to stopping this kind of government intervention in medicine is doctors informing patients about the private, nonbureaucratic coverage available now. If millions more buy it, the cost will drop dramatically.

Organized medicine and lobbyists for the health insurance industry are working for their own forms of government medicine, spending millions in the process. They don't really believe in it, but see it as a preferable alternative to Kennedy-Corman.

But what if they spent their time and money telling the American people about the private coverage available, and encouraging pools and other non-governmental solutions to insurance for the presently non-insurable? The promoters of government-controlled medicine might not have a chance.

A WAY TO SAVE ENERGY

HON. WILLIAM S. COHEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. COHEN. Mr. Speaker, the events of the past week throughout the eastern two-thirds of our Nation should convince all Americans—especially those of us in Congress—of the perilous energy situation facing the United States. Not since the Arab oil embargo of 1973 has the need been more apparent for Congress to take quick steps to conserve our ever-diminishing supplies of all forms of fossil fuels.

Perhaps the most alarming and shameful fact to emerge from the present crisis is that as a society, we waste at least one-third of the total energy we consume. Several experts have put this figure even higher. Clearly, encouraging greater energy conservation and more efficient use of existing fuel supplies has become a major national priority.

One of the most elementary, yet important steps that can be taken in the conservation area is to increase the energy efficiency of existing residential structures by seeing that they are properly insulated. The average uninsulated house wastes about 700 gallons of fuel each year, and, in the present economic climate, we simply cannot tolerate that kind of waste. Indeed, studies show that 35 million American homes waste the equivalent of 130 million barrels of oil annually, simply because they lack adequate insulation. Further, home heating units can frequently be made more energy efficient with regular maintenance and the installation of certain devices which will improve the thermal efficiency of the system.

In an attempt to provide homeowners with both the ability and incentive to make energy saving improvements, I introduced H.R. 1466 on January 6. This legislation would amend the Internal Revenue Code to permit the individual a tax credit for 25 percent of amounts paid or incurred for the installation of more effective insulation and heating equipment in existing residential structures up to a total of $375 to $750 in the case of a joint return. The concept embodied in this measure enjoyed wide support in the Congress last session, only to be dropped by the conference on the Tax Reform Act of 1976. It has the endorsement of numerous energy experts, including former Federal Energy Administrators John Sawhill and Frank Zarb.

In the one week since I wrote to my colleagues asking them to join me in supporting this bill, 35 Members have agreed to cosponsor my conservation legislation. The cosponsors, who represent both parties and all regions of the Nation, include:

Mr. Harrington of Massachusetts.
Mr. Mazzoli of Kentucky.
Mr. Lagomarsino of California.
Mr. Lehman of Florida.
Mr. Wilson of Texas.
Mr. Broyhill of North Carolina.
Mr. Moakley of Massachusetts.
Mr. Kostmayer of Pennsylvania.
Mr. Corcoran of Illinois.
Mr. Thompson of New Jersey.
Mr. Lott of Mississippi.
Mr. Moorhead of California.
Ms. Mikulski of Maryland.
Mr. Lujan of New Mexico.
Mr. English of Oklahoma.
Mrs. Fenwick of New Jersey.
Mr. Horton of New York.
Mr. Miller of Ohio.
Mr. Heftel of Hawaii.
Mr. Andrews of North Dakota.
Mr. Cleveland of New Hampshire.
Mr. Davis of South Carolina.
Mrs. Meyner of New Jersey.
Mr. Edgar of Pennsylvania.
Mr. Studds of Massachusetts.
Mr. Corrada of Puerto Rico.
Mr. Hughes of New Jersey.
Mr. Coughlin of Pennsylvania.
Mr. Gephardt of Missouri.
Mr. Cederberg of Michigan.
Mr. Gilman of New York.
Mr. Fish of New York.
Mr. Treen of Louisiana.
Mr. Long of Maryland.
Mr. McKinney of Connecticut.

I urge all of my colleagues who share our concern over America's profligate use of energy to join us in sponsoring this bill. Action now is imperative. If we delay, the warm breezes of April and May may wipe all memory of this winter's unpleasantness from our minds—increasing the likelihood of an even greater disaster next winter.

If you wish to cosponsor this timely measure, please contact Tom Heyerdahl of my staff at 56306 at your earliest opportunity.

THE CONGRESSIONAL PAY RAISE CAPER

HON. WILLIAM L. ARMSTRONG

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. ARMSTRONG. Mr. Speaker, it used to be that the only way we could get a pay raise was to stand up and publicly vote on it—a method which forced us to listen to the feelings of our constituents back home. It was a good system, and the vote to fatten one's own pay check was not taken often or lightly.

But that is in the past now. In the summer of 1975, Congress adroitly insulated itself from ever again having to run the pay-raise gauntlet.

Assiduously avoiding any publicity, we hooked ourselves onto a mechanism that will mean semiautomatic pay raises year after year. Ironically, this means that we lawmakers, who in recent years have contributed so much to the spiraling cost of living, have pretty well removed ourselves from the consequences of inflation.

From now on, every year that salaries go up generally in the Nation, Congressmen will get a pay increase. There may be some quibbling over the size of the raise, but the trend will be inevitably and regularly upward.

In 1974, we debated a pay raise for ourselves, then backed down as the U.S. public, ravaged by inflation, let us know in no uncertain terms that our salaries of $42,500-a-year seemed adequate. Thereupon, Members in both the House and Senate decided to set up machinery that would end the embarrassment of having always to ask our employer—the public—for a raise.

The greatest obstacle to this scheme was public opinion. So, in early 1975, planning was quietly begun among officials of the Civil Service Commission, the White House, the Office of Management and Budget, and key officials of the House and Senate Post Office and Civil Service Committees. In time, the majority and minority staffs of the two committees drafted a bill that would give Congressmen, Federal judges, and high—$36,000-a-year and up—Federal executives the same percentage cost-of-living pay hikes that all Federal employees receive—under the Pay Comparability Act of 1970—to keep their salaries in line with those paid in comparable non-Government jobs.

The whole operation was carried out in utmost secrecy. "We didn't want the facts to get out before it was done," admits one of the bill's engineers "We wanted to move on this thing before editorial writers could have a field day." Each step was taken, as the nonpartisan Congressional Quarterly noted, "on the assumption that routine handling would doom the bill to failure," that full debate would trigger angry public reaction.

Thus, the bill's managers decided on an old parliamentary ploy: Tacking the pay raise onto a noncontroversial, totally unrelated bill ready for quick floor passage. On June 16, the House passed by voice vote and sent to the Senate a minor bill instituting a job-safety program for postal workers. Acting behind closed doors, the Senate Post Office and Civil Service Committee added the pay-raise proposal to the House-passed bill. On July 29, the bill was ratified by the full Senate, 58 to 29, and sent back to the House.

Did the proposal languish in the House Rules Committee, as run-of-the-mill legislation so often does? Not at all. The next morning, the committee, by a voice vote, suspended its rules in order to allow the bill to be considered on the floor that very afternoon, July 30.

Debate lasted less than an hour. Supporters of the bill said flatly that they deserved a pay raise. Opponents called the procedure a "sly backdoor trick" by which Members were assuring themselves future pay raises without the political risk of recorded votes. When the roll was first tallied, the opponents' arguments seemed to have carried. But House Speaker Carl Albert ordered the voting machinery kept open, and several lawmakers were persuaded to change their votes. The result was approval by one vote: 214–213.

A month later, the President's Advisory Committee on Federal Pay recommended an 8.66-percent cost-of-living increase for Federal white-collar workers. And, for the first time, Congressmen and others were included. President Ford asked that the raise be held to 5 percent. Although his recommendation carried, it was merely a choice between a larger or smaller salary increase.

When the legislative appropriations bill was considered in the summer of 1976, a number of amendments were suggested. While most were barred from even being considered by adoption of a modified closed rule, Congress did vote to forego a pay raise—but just for 1976.

The way this amendment was drafted, however, left two enormous loopholes. First, the automatic pay raise machinery was left intact. So an automatic pay hike will take place again in 1977, and 1978, et cetera, unless corrective legislation is adopted.

Second, the language allowed the recommendation of the quadrennial Commission on Executive, Legislative and Judicial Salaries to be adopted. This chicanery meant that Congress could vote against a pay boost and still get it.

But the basic fact remains: The law now precludes the opportunity to vote on the more pertinent question of whether there should be pay raises at all.

My opposition to pay increases is not based on my estimate of what Congressmen should be paid—and, to be sure, the last previous pay raise was in 1969. Instead, I am concerned about the example set for the Nation. Our economic system has been seriously damaged by Congress fiscal irresponsibility. We are not yet recovered from a recession and the accompanying high unemployment caused by runaway Federal spending, and already we are seeing grim signs that continued deficit financing may touch off new double-digit inflation. Under such circumstances, this is a time for restraint. But, instead of giving Americans a demonstration of prudence and sacrifice, Congress has given them an example of self-indulgence.

Worse, we have engaged in political chicanery in doing it.

For these reasons, I have joined with 70 other Representatives in introducing legislation to rescind the cost-of-living machinery and to require roll-call votes on all future congressional salary increases. This legislation was bottled up in committee during the last Congress, and only the public outraged at the long way we have gone toward inflation-proofing ourselves and our counterparts in the executive and judicial branches—can spring it loose for consideration.

For the time being, it seems to me that we in Congress have become a little less representative than before. Our constituents are being savaged by inflation—most of them not fortunate enough to get automatic cost-of-living increases. As a reminder that the Nation's economic troubles have been caused, in large part, by Congress, and will not be cured until Congress has the wisdom and courage to do so, I think we ought to suffer along with the people who elected us.

LEARNING FROM HISTORY

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. ABDNOR. Mr. Speaker, three events and proposals of recent weeks disturb me deeply because they all hinge on our ability to defend ourselves and our relationship with the free world. I have previously told my colleagues of my objections to the amnesty for Vietnam draft evaders which is now fact. My concern is also addressed to the proposed recognition of Vietnam and the proposals for reduction in defense spending.

Whether we like it or not, every action we take is carefully watched by the rest of the world. We are recognized as the sole guardian of the concept of individual freedom on this globe, and as long as we remain strong in our capability to defend this principle we will be respected. Should, however, our actions as a nation be perceived anywhere as wavering in our strength and our determination to preserve freedom, weaker nations lacking the courage and resolve to stand alone, will flock to where they believe the strength lies. And therein lies the peril of this trio of events.

In a recent editorial on Radio KKLS, Rapid City, S. Dak., Abner Hunter George reflected on our recent Bicentennial observance and whether we had, indeed, learned the lessons from our past mistakes with relation to our place in the world that we should have learned. His remarks bear heeding by my colleagues:

EDITORIAL BY ABNER HUNTER GEORGE ON JANUARY 19, 1977

As I look back on the just completed Bicentennial celebration and consider what it all meant, I wonder if we failed to take note of some of the lessons of History. One major part of that year long look at our-

selves was to look back over the first two hundred years to see what we did right . . . and what we did wrong . . . in an effort to apply the lessons learned over the past two hundred years to make the next hundred years better.

Maybe, in our efforts to have a joyous celebration, we spent an inordinate amount of time on the good times of the past at the expense of the lessons we should have learned from the hard times. Did we neglect to look carefully at some of the mistakes we made? Are we in danger of repeating some of them? I see signs that we very likely might fall into some traps that proved to be serious blunders in fairly recent history.

I was born during world war one . . . the war to make the world safe for democracy . . . and grew up in the interim before world war two . . . the war to end wars. I served in the army in world war two, not gloriously waving our cherished banner on high, but rather in the day after day drudgery that is more the real story of war than the flaming battles for territory.

You don't have to be clairvoyant to realize that the world is neither safe for Democracy, nor safe from war. The day to day reports of world events are ample proof of that.

Why then, does it seem to me that we are going down the same path now that we trod in the twenty odd years between the two world wars. I remember while I was in college in the 1930's how unpopular it was to maintain a reasonable defense establishment. The great depression was upon us. We had to do without the guns and the other weapons of war. We didn't need a trained army or even a reserve force. The ROTC was eliminated as a requirement for young men in college. The world was at peace . . . We had other, more pressing problems. When war came, we were completely unprepared. I can remember walking guard duty at Fort Francis E Warren with a baseball bat instead of a rifle.

I wonder now if our country had even been half prepared for the turn in world events if that war would ever have happened. I wonder too, if todays leaders are making the same kind of tragic decisions when they refuse to provide modern weapons systems and call for further reductions in the armed forces. I hope we are never foolish enough to think that the world will be a safe place without a strong, ready and well equipped defense establishment. Just look back at the past fifty years and think about it.

Thank you.

ABNER HUNTER GEORGE.

COFFEE AND YOUR HEALTH

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. ROSENTHAL. Mr. Speaker, there may be a silver lining behind that cloud over the world coffee supply. Soaring prices may turn out to be a boon for the health of coffee drinkers if it causes them to cut consumption.

The reason is caffeine, a powerful drug that stimulates the central nervous system. It is the ingredient that gives coffee, a nutritionless beverage, its distinctive popularity as a "pick-me-up."

A 6-ounce cup of brewed coffee has between 100 and 150 milligrams of Caffeine, about double the amount in tea and cola drinks; instant coffee falls somewhere in between.

Although limited amounts of caffeine may help clear the mind, fend off drowsiness and speed up reaction time, it can cause many undesirable effects.

These are pointed out in the personal health column of Wednesday's New York Times by writer Jane E. Brody.

Brody reports:

Large doses of caffeine—the result, say, of drinking several cups of coffee at one time or 10 or more cups a day—can cause irregular or rapid heart beats; insomnia; upset stomach; increased breathing rates, blood pressure and body temperature, nervousness and irritability.

Caffeine and even decaffeinated coffee stimulate the release of acid in the stomach, and therefore coffee in any form is ill-advised for ulcer patients. Patients with high blood pressure or fever may also be told to avoid caffeine, since it raises both body temperature and blood pressure.

Since November I have been urging coffee drinkers to boycott the brew. Many have responded and there are signs that the impact is being felt. But the heavy coffee drinker may encounter serious withdrawal symptoms—headache, nausea, vomiting, depression, drowsiness—by going cold turkey; these persons should be weaned gradually.

I commend Ms. Brody's column to my colleagues and am inserting it in the RECORD at this point:

[From the New York Times, Jan. 26, 1977]

PERSONAL HEALTH: CAFFEINE, A TWO-FACED DRUG, NO MATTER HOW YOU TAKE IT

(By Jane E. Brody)

"Light, no sugar" . . . "Regular" . . . "Black." . . . Few who have grown up in the Eastern part of this country need to be told that these orders refer to the all-American drink—coffee. More than half the world's coffee beans are brewed here. The average adult American consumes 16 pounds, or approximately 800 cups, each year of this brown, nonnutritive liquid extracted from the beans of Coffee arabica and related spices.

But whether drunk light or dark, sweet or bitter, hot or iced, with caffeine or without, one cup a day or 10, many people are confused about the effects—good and bad—of coffee and its constituents and where else these inngredients may be obtained.

Recently the soaring price of coffee has forced some to think seriously about the role coffee plays in their lives and whether they could—or would want to—give it up or at least reduce their consumption of it.

The most important ingredient in coffee—and the one primarily responsible for its continuing popularity—is caffeine, a drug that powerfully stimulates the central nervous system and gives that familiar coffee "lift." Caffeine clears away mental cobwebs, relieves drowsiness, masks fatigue and creates for many a general sense of well-being.

Its antisleep properties led, according to legend, to coffee's discovery some thousand years ago by Arabian sheperds who watched their charges gambol about all night after eating the berries of the coffee plant.

Caffeine in small doses helps produce a clearer train of thought, a keener appreciation of sensory stimuli and a swifter reaction time. Its "pick-me-up" properties largely account for the popularity of cola drinks, 20 ounces of which have roughly the same amount of caffeine as a six-ounce cup of brewed coffee.

Since children are more sensitive to the stimulant effects of caffeine than adults, some doctors discourage youngsters from drinking colas and cocoa (depending on the source of the chocolate, cocoa can have as much as half the caffeine as a cup of coffee). In addition to stimulating the brain, caffeine stimulates the kidneys to produce more urine.

Caffeine's virtues have prompted many drug manufacturers to include it in medications designed to relieve pain, premenstrual tension and cold symptoms (where it counters the drowsiness produced by antihistamines). Caffeine is also the active ingredient in over-the-counter drugs to help people stay awake. In fact, the dose of caffeine in a single stimulant tablet is no greater than that in a cup of brewed coffee, but the unaware consumer may pay a lot more for caffeine in the drug than in the drink.

Caffeine, which constricts cerebral blood vessels, is used to treat migraine-type headaches and to counter the effects of drugs that depress the central nervous system. It is being studied as a treatment for hyperactivity in children (in whom it has a calming effect) and to stimulate breathing in premature babies who tend to stop breathing during sleep.

At the same time, however, caffeine may have untoward effects. It can interfere with fine muscular coordination and, possibly, accuracy of timing. Large doses of caffeine—the result, say, of drinking several cups of coffee at one time or 10 or more cups a day—can cause irregular or rapid heart beats; insomnia; upset stomach; increased breathing rates, blood pressure and body temperature; nervousness and irritability.

Caffeine "addicts" have sometimes been mistakenly diagnosed as suffering from an anxiety attack and treated incorrectly with tranquilizers instead of eliminating the cause of their difficulty.

Sometimes caffeine has paradoxical effects. In some people it may cause a headache; in others it may relieve one. In some it raises the amount of sugar in the blood; in others it lowers it (and may consequently stimulate hunger pangs or, rarely, a hypoglycemic reaction—a dizzy, weak, nauseated, headachy, irritable feeling).

The effects of caffeine show up within 30 to 60 minutes of its ingestion and last several hours. Half the amount consumed is gone from the body within three and a half hours.

The source of caffeine does not seem to make much difference in how rapidly it is absorbed into the blood, how high a level is reached and how long it stays around. Many people believe that while coffee in the evening will keep them awake, tea won't.

A cup of tea does have less caffeine than coffee—between half and three-quarters the amount. But one careful study showed that on an empty stomach, the caffeine in tea is absorbed as readily as that in coffee, and when the same doses of caffeine are given as tea or coffee, the same levels of caffeine are reached in the blood. Instant coffee has less caffeine than brewed coffee, but more than tea.

Caffeine and even decaffeinated coffee stimulate the release of acids in the stomach, and therefore coffee in any form is ill-advised for ulcer patients. Patients with high blood pressure or fever may also be told to avoid caffeine, since it raises both body temperature and blood pressure.

Although one major study indicated that coffee drinkers face an increased risk of heart attack, two subsequent studies that took other factors—including cigarette smoking—into account found no such relationship.

There have also been suggestions that excessive coffee intake during pregnancy may increase the risk of stillbirth, miscarriage or malformations in the child. Although this relationship has by no means been proved, moderation in the use of caffeine-containing substances during pregnancy would seem wise.

An initial suggestion that coffee consumption may increase the risk of bladder cancer has not stood the test of further research. In laboratory studies, caffeine can cause cancer-like changes in cells at doses 20 to 40 times higher than the highest level ever measured in a habitual coffee drinker.

At lower doses, caffeine seems to inhibit the cancer inducing effects of other chemicals, and thus may be protective. However, British studies suggested that another substance in coffee, chlorogenic acid, may enhance the formation of cancer-causing nitrosamines in the stomach.

Heavy coffee drinkers who decide to break their addiction to caffeine should beware of abrupt withdrawal. Dr. Morris A. Shorofsky of Beth Israel Hospital in New York reports that sudden withdrawal can cause headache, nausea and vomiting, mental depression, drowsiness and a disinclination to work. The symptoms, which begin 12 to 16 hours after the last dose of caffeine, can be relieved by caffeine.

The best way to withdraw from caffeine, Dr. Shorofsky advises, is slowly, weaning yourself a cup or two at a time over a period of a week or more.

Caffeine content of common products

[Amount caffeine per serving in milligrams]	
Foods and beverages:	
Brewed coffee, 6 oz. cup	100–150
Instant coffee, 6 oz. cup	86–99
Decaffeinated coffee, 6 oz. cup	2–4
Tea, 6 oz. cup	60–75
Cocoa, 6 oz. cup	50
Cola, and Dr. Pepper, 12 oz	40–72
Milk chocolate, 1 oz	3
Bittersweet chocolate, 1 oz	25
[Amount caffeine per tablet in milligrams]	
Prescription drugs:	
Cafergot	100
Darvon compound	32
Fiorinal	40
Migral	50
[Amount caffeine per tablet in milligrams]	
Over-the-counter drugs:	
APC's, Anacin, Bromo Seltzer, Cope, Vanquish, Empirin compound, Midol, Easy-Mens	32
Excedrin	60
Pre-Mens	66
Many cold preparations	30
Many stimulants, such as NoDoz	100

FLEXTIME: AN IDEA WHOSE TIME HAS COME

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. SOLARZ. Mr. Speaker, I am introducing legislation to enable and stimulate new experimentation in the use of flexitime work schedules—called flexitime—and compressed schedules in the Federal Civil Service.

This bill addresses two major problems facing our Nation: the need to increase the efficiency of the Federal bureaucracy and the need to conserve energy. Virtually everywhere it has been tried, flexitime has increased productivity, apparently for two kinds of reasons: First, employees are present for more hours since they make less use of leave time; and second, the hours spent are more productive—because they fit better with employees' biological clocks, because very early and very late hours involve fewer interruptions, because work schedules can mesh better with actual work flow, and because employees have a greater sense of personal responsibility for getting their jobs done, and perhaps for other reasons as well. Since productivity rises and since the costs of introducing a flexitime program are small, this clearly means an increase in efficiency.

How does flexitime conserve energy? Chiefly by reducing gasoline consumption because rush hour traffic is spread out and thus relieved. Savings made in this way can be substantial. One study done by the Messerschmitt Co. in Germany estimated that 19,000 gallons of gasoline were saved in 1 year by the 775 employees on flexitime.

Compressed hours schedules can also save on costs of heating buildings if an entire office or factory is on the same 4-day schedule. The cost of warming up a cold building each morning after a night of low or no heat need be borne only four times a week instead of five. The Governor of Minnesota is now putting all State employees temporarily on a 4-day week for just this reason during the current energy crisis caused by this winter's unusually cold weather.

In addition to these broad social benefits, flexitime offers important rewards to both management and labor: higher morale among employees; reduced use of overtime, sick leave and personal leave; virtual elimination of tardiness; lengthening of hours of service to the public at no extra cost; greater convenience to employees for combining work hours with personal and family responsibilities and with education; reduced personnel turnover; greater sense of responsibility by employees in organizing their own work; and so on. The disadvantages appear to be negligible.

Virtually every firm or agency which has tried flexitime is enthusiastic about it. And it has been tried extensively, since its introduction in West Germany 10 years ago. Today, 50 percent of the white collar work force in West Germany and 40 percent of the entire Swiss work-force are on flexitime. In the United States, such diverse companies as Hewlett-Packard, Scott Paper, Sun Oil, and Occidental Insurance are on flexitime. Within our Government, some 70,000 employees in over 50 units are already on a limited form of flexitime, including civil servants in the Baltimore office of the Social Security Administration, the U.S. Army Tank Automotive Command and the U.S. Army Natick Labs.

Compressed hours schedules are appropriate for a more limited number of agencies and employees, but where they are appropriate they provide important benefits in reduced commuting time, lower start-up and shut-down costs, and more meaningful blocks of leisure time. They usually involve a 4-day, 40-hour week, sometimes alternating with standard 5-day weeks.

The legislation I am proposing would amend existing legislation so as to make compressed schedules possible and to permit workers under flexitime to bank credit hours from day to day and from week to week, provided they continue to average 8 hours a day and 40 hours a week. The legislation is necessary because existing law forbids a workday of more than 8 hours and a workweek of more than 40 hours without premium pay. This bill would also permit night work under certain circumstances without premium pay.

Let me give some clarifying examples. Under existing legislation, employees could choose to begin their workday any time between, say 6:30 and 9:30 and to end the day between 2:30 and 5:30, provided they worked a full 8 hours. Under my bill the workday could also begin and end later, although there would still be "core" hours in the middle of the day when all employees would have to be present. Also under my bill, an employee could choose to work, say, 10 hours 1 day and 6 hours on a later day, or 45 hours 1 week and 35 hours another week, provided the workday still averaged 8 hours and the workweek still averaged 40 hours.

The bill would also protect employees against coercion in the implementation of these programs. In addition, it would stimulate the spread of flexitime by having every Federal agency conduct one or more experiments with flexible hours. Agencies for which this would be substantially disruptive could apply to the Civil Service Commission for an exemption. The Civil Service Commission would also study the experiments in order to make recommendations to the agencies about the most effective use of flexitime and to Congress about further legislation.

Flexitime is one of those rare ideas which are good for both management and labor, as it both raises productivity and humanizes work. Numerous studies have amply demonstrated the desirability of flexitime in general; what remains to be studied is its application in specific Federal agencies. It is for this reason that my bill provides for at least one experiment in each agency. Wherever flexitime has been tried, it has been such a success that it has spread rapidly. This is an idea whose time has come.

INTRODUCES BILL WITH INCENTIVE TO INCREASE WORK FORCES

HON. BUTLER DERRICK

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. DERRICK. Mr. Speaker, today I introduced a bill to provide a significant tax incentive to the private sector to increase their work forces. Under my bill each employer would receive a tax credit of 50 percent of the wages of all new employees. The credit could not be used for more than 10 new hires and cannot exceed $80,000 a year.

Greater reliance must be placed on the private sector if we are going to get our economy back to full employment. We must get to full employment quickly if we are to balance the budget and allow all our citizens to enjoy the dignity and financial security which comes from

having a full-time job. Right now there are more than 9 million people who are unemployed or who have simply given up looking for work. Providing them with welfare drains the Treasury and their plight touches all of us who have known the fear, and the loss of personal pride which comes from being unemployed.

My bill offers a large incentive to employers to hire new people. The 50-percent tax credit means that the Federal Government is willing to go half-way with the private sector to solve our number one domestic problem—unemployment. Every job created because of this new tax incentive costs the Federal Government $3,100. This compares with the costs of a public service employment job of $8,500; a public works job of $10,000 to $12,000.

The Congressional Budget Office has projected that 7 million new jobs are needed by 1980 to absorb the new entrants to the labor force and to reduce the unemployment rate to 5 percent. While the public sector performs essential services and employment there will grow we must place major emphasis on the private sector to provide jobs for our people. Eighty percent of the work force is employed in the private sector and it has been the growth of the private sector which has made our economy the strongest in history.

After taking into account the normal growth of the labor force and employment my preliminary estimate is that this employment tax credit will induce the creation of 1.5 million jobs. This estimate is being currently evaluated by the Congressional Budget Office and the Department of Treasury. The average cost per job, under the tax credit proposal, is about $3,000. This compares to $8,500 per job for public service employment, $10,000 to $12,000 per job under the accelerated public works program, and $9,000 to $11,000 for Job Corps and WIN training slots.

The bill does not make the employment tax credit a permanent feature of the tax code. There is a "sunset provision" under which the credit expires automatically after 5 years unless explicitly renewed by the Congress. Furthermore, the Secretary of Treasury is required to report to Congress, during the second and fourth years of implementation, an evaluation of the employment creation effects of the credit, its net revenue loss to the Treasury, and other information required for a comprehensive congressional review.

This bill cannot cost "too much." Every dollar spent supports the private sector, provides jobs, and fights inflation.

The bill provides for a refundable employment tax credit of 50% of the wages of employees hired after the "base quarter"; each firm can claim the credit for up to 10 "new" employees; there is a maximum credit of $80,000 allowed for any taxable year. While the tax credit is available to all employers, because of the limitations on the number of new hires and the maximum credit for each firm, we expect the credit to have its greatest impact on small, labor-intensive firms and industries. Almost half of American workers are employed in the wholesale and retail trades, the service industries, and in small manufacturing companies. Almost two-thirds of all U.S. employers have less than eight employees.

Of course some portion of this tax credit will reduce labor costs of those employees who would have been hired without the tax credit and not induce new hirings.[1] It is probably impossible to prevent such "leagages"; elaborate and cumbersome administrative procedures could be developed to mitigate these effects but they probably would not work and their major impact would be to deter employers from using the tax credit at all. Besides the economic impact of whatever leakages occur is saluatory; using the credit for noninduced employment increases has an identical impact on the firm as any reduction in their taxes. By lowering costs such a general tax reduction reduces pressures on firms to raise their prices, viz. it has an anti-inflation effect.

Where the cerdit is used to increase employment we would expect an increase in real output. By stimulating employment and output the tax credit would not place pressure on prices as do many traditional employment stimulating programs, for example, public service employment increases income but does not increase the supply of goods and services available in the marketplace.

General tax reductions and tax incentives to increase investment help stimulate employment, but they are indirect and inefficient tools for job creation. By directly reducing the costs of hiring new people the Federal Government can directly and efficiently induce firms to expand their work forces.

CRITICISM OF FRANCE'S RELEASE OF ABU DAOUD CONTINUES

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. DRINAN. Mr. Speaker, the shock wave created by a French court's hasty release of the international terrorist known as Abu Daoud continues to reverberate. Men of conscience continue to criticize the decision to free one of the alleged perpetrators of the massacre of the Israel athletes at the Munich Olympics, despite extradition requests from two nations.

France has repeatedly asserted various legal grounds which rendered invalid the extradition requests from the Federal Republic of Germany and Israel; the latter two nations have just as vigorously argued that they complied with international law in their requests that the French authorities detain Abu Daoud. The issue, however, turns ultimately not on narrow procedural rules of international law, but on broad principles of morality and justice. As Dr. Alfred P. Rubin, professor of international law at the Fletcher School of Law and Diplomacy at Tufts University, wrote in the commentary in the Christian Science Monitor on January 27:

> There may be some doubt whether France was legally obligated by its extradition treaties . . . but, having determined to expel Abu Daoud as an undesirable alien, there was no legal inhibition on France expelling him on an airplane whose next stop would have been Bonn or Tel Aviv.

An outstanding editorial on this matter in the January 13 edition of the Waltham, Mass., News-Tribune, makes the same essential point:

> What is shocking about the decision in the French court is that a major civilized country of the west had second thoughts about bringing to justice a mass murderer of 11 innocent young men at the Olympics.

It is essential that the protests against the release of Abu Daoud not fade quickly into the background. The ease with which Abu Daoud escaped justice stands as a source of encouragement to would-be terrorists throughout the world. Men and nations committed to justice and to the fight against international terrorism must continue to make known their outrage at the French court's action and their determination to deal justly and courageously with terrorists.

I commend to the attention of my colleagues the essay by Dr. Rubin which appeared in the Christian Science Monitor and the Waltham News-Tribune editorial, which follow:

ABU DAOUD CASE: FLOUTING WORLD LAW

(By Alfred P. Rubin)

Abu Daoud, accused of participating in the killing of Israeli athletes at the Munich Olympic Games in 1972, has been released by France and has flown off to Algeria. There may be some doubt whether France was legally obliged by its extradition treaties to turn him over to the police of West Germany, where his alleged crimes had their major effect, or to Israel, whose nationals were the victims of his alleged crimes. But, having determined to expel Abu Daoud as an undesirable alien, there was no legal inhibition on France expelling him on an airplane whose next stop would have been Bonn or Tel Aviv.

The legal effect of France permitting this accused accomplice of murder in West Germany to choose his own exit route was to treat him better than the law would have permitted had he been at all times a member of the armed forces of a state. The killing of civilians or, indeed, members of a surrendered enemy military force is a so-called "grave breach of the 1949 Geneva Conventions. Parties to those conventions, including France, West Germany, and Israel, are obliged "to search for persons alleged to have committed . . . such grave breaches, and . . . bring such persons, regardless of their nationality, before [their] own courts" or hand them over to other of the parties for trial. Assuming Abu Daoud acted as a soldier, there can be little doubt that France has violated this international obligation now, joining Algeria, Libya, Uganda, and other states in this regard.

France has also apparently violated the general international law, based on custom and common sense, that in an international order in which the principal actors assert for

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[1] This issue is relevant for all Federal tax and spending programs, e.g., how much investment would have taken place in the absence of the investment tax credit, how many people would be hired by state and local governments without public service employment, how much job training would be given by industry without the JOBS program.

themselves the exclusive right to govern their own territory, and in which all states are equal before the law, it is forbidden to permit your territory to be a haven for those, whether politically motivated or not, who commit depredations in other states' territory. It is a rule that is asserted in their own favor by communist and third-world states as well as by the United States and Western Europe. It is the basis for Cuban complaints aimed at the United States, and American agreement that the U.S. has some responsibility to control anti-Castro activities based on its territory.

It may be supposed that the desire to stay out of other people's quarrels, to avoid involvement in the Arab-Israeli conflict, motivated this French breach of international law and will inhibit the United States and other states making their views known to France and Algeria, as it has kept the U.S. officially silent before other haven situations.

But to argue that this negative encouragement to political assassinations in third states' territory can help to keep France or the U.S. uninvolved defies rationality. And to argue that the United States is not affected legally by this failure to apply the law in a case involving a person accused of complicity in a publicity-seeking orgy of killing is to forget that the U.S. too can be host to Olympic Games, and that there are many foreigners in the United States whose countries of origin are troubled by political groups willing to use assassination to relieve them of some opposition based abroad, even when that opposition uses no other weapons than America's free press.

In reality, the silence of the United States is a condoning of France, and generally of political assassination in third countries, including the United States.

Finally, it may be argued that the case of Israel and the Arabs is somehow special; that the economic and political importance of some Arab states outweighs the social value of upholding the rights of little Israel, just as a prosecuting district attorney may choose not to apply the full vigor of the law to a white-collar criminal whose victim is not highly regarded socially.

To state the comparison is to expose hypocrisy, not to justify it. Moreover, the victim in this case is not only Israel, it is also West Germany, whose criminal laws were violated by the 1972 Munich murders. And it is also the United States, whose longer-range interest in Western European unity and the continued credibility of the mutual defense commitments of France, West Germany, and our other NATO allies, that is involved.

Most generally, it is the legal order, that long-ignored and subverted bulwark of America's security and world stability, that loses force. How is it possible to claim the benefits of a law that assertedly forbids the taking of foreign investors' property without prompt, adequate and effective compensation, as the U.S. does, when it is silent about the legal consequences the same system attaches to the taking of life? To make a "special" exception from stabilizing rules in that situation, in which the need for restraint is the most important for all participants, is to indicate that respect for life and property, security and stability, are not America's goals at all. It is to accept one side's assertions of rights to do violence in the interest of its own version of "justice" at the expense not only of the other side, but at the expense of us all.

FRENCH SHAME CIVILIZED WORLD

Frenchmen should hang their heads in shame.

It was a crime against humanity to release the alleged commander of the Palestinian terrorists who slaughtered 11 Israeli athletes at the 1972 Olympic games in Munich.

Why did France do it?

France was threatened with the possible loss of some Arabian and Algerian oil.

In the French court, the French government lawyers argued accused terrorist Abu Daoud had not been sufficiently identified—even though the Arabs were claiming he was part of an official Palestinian Liberation Organization mission. The Palestinians were in France to attend the funeral of a Palestinian activist shot down in the street by unknown assassins.

The PLO lives by the sword and seems determined to die by the sword. Even the Syrians had enough of the Palestinian leftists and moved in to quell the civil war in Lebanon.

A succession of ambassadors from Arab countries charged into the French Foreign Ministry to protest the arrest of the terrorist. In Algeria, a big oil source for France, the administration's official newspaper said the arrest "stripped naked the anti-Arab face of the (French) administration."

In Kuwait, Farouk Kadoumi of the PLO's political wing threatened "there are Palestinian and Arab countermeasures to contain the matter. . . . The Palestinian resistance movement will not tolerate the matter if the French government hands over Abu Daoud to West Germany."

You will notice that the Palestinians in far off Kuwait did not have any doubt as to the identity of the French prisoner.

France recently signed an agreement against terrorism with other European countries, but the first time that agreement was tested, French justice sold its soul for oil.

Israeli Foreign Minister Yigal Allon denounced the court decision as a "disgraceful surrender" to Arab pressure. He was right.

The PLO praised "French justice." It said "everyone sees that someone wished to harm the good relations between the PLO and France."

The West German government's statement said the release of Abu Daoud made "the fight against international terrorism" more difficult.

Daoud, when released, flew straight to Algeria where he found sanctuary.

The United States has had difficulty in persuading the civilized nations of the world to reject terrorism as an instrument of politics. The Arabs know terrorism is the only weapon the PLO has at the moment. And Arab morality is such that the end (of Israel) justifies the means in murder). Some of the so-called Third World nations don't want to antagonize the Arabs and some feel they might have to use terrorist tactics sometime, so they aren't backing anti-terrorist policies.

What is shocking about the decision in the French court is that a major civilized country of the west had second thoughts about bringing to justice a mass murderer of 11 innocent young men at the Olympics. French justice became a sham and hypocrisy.

The wheels of history and justice grind slowly. The day will come when terrorism will be aimed at French citizens. The day will come when French parents, French sons and daughters will weep in anguish.

PLIGHT OF BEEF INDUSTRY

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. RONCALIO. Mr. Speaker, yesterday the Washington Post began an excellent series of articles by Dan Morgan on the plight of the beef industry in the United States.

Wyoming and other beef-producing States have felt the adverse impacts of a combination of circumstances which is driving the small rancher and feeder out of business and is threatening the existence of larger operations.

We must seek steps to alleviate the economic conditions which have set upon this basic western and American way of life and industry, but we first must have a basic understanding of the problem. It is well set out in Mr. Morgan's series.

I include the first of the series of articles from the January 30 Washington Post in the RECORD and I highly recommend it to my colleagues:

(First of a Series)

U.S. BEEF ECONOMY AT A CROSSROADS

THREAT OF FINANCIAL RUIN HANGS OVER THE CATTLE INDUSTRY

(By Dan Morgan)

WALDEN, COLO.—In the back country ranges of the Rocky Mountains, ranchers such as Bob Brownlee have been fighting a constant battle against winter this year.

On a recent day when the temperature was near zero, Brownlee and his son-in-law, Newell Geers, were hacking a hole in the frozen creek with a double-edged axe to find water for the cow herd, and giving out whoops of joy when a trickle of water appeared. Then they were off in their pickup truck, bumping across a washboard pasture and dropping off hay for the animals.

It was all part of the cycle of work at the far end of the country's beef pipeline, the $20-billion-a-year system that keeps Americans supplied with the juicy steaks and hamburgers that are almost a national symbol of American affluence.

Yet raising beef animals today is anything but a sure way to prosperity.

The threat of economic ruin hangs over the cattle industry, and the American beef economy is in the throes of major changes brought about by the heaviest losses since the Dust Bowl days of the 1930s.

Even in this remote valley, circled by mountains and once populated mainly by prairie dogs, antelopes and Indians, ranchers are feeling the painful effects of sweeping economic and social developments over which they have had virtually no control.

Brownlee reckons that he lost $30,000 on his 1,500-acre operation in 1976, and he may have been lucky. As far as he is concerned consumers are getting a bargain on beef while he has been taking a financial beating. Brownlee and the ranchers around here have lost money most of the last 36 months. Yet the price of steaks and hamburger in supermarkets is about what it was three years ago.

Paradoxical as this situation may seem, economic analysts say it is logical. But the same logic holds that the situation is certain to be reversed. Then it will be the turn of American consumers to pay more for beef.

Starting in 1967, cattlemen steadily increased the size of their herds, from 108 million head then to 131 million head in 1975.

By late 1973, there was too much beef going to market. Retail stores had to keep prices low in order to sell it all. These low prices were passed back through the beef pipeline to wholesalers, meat packers, cattle fattening yards, and finally to ranchers.

All through the period, inflation and higher prices of hay, corn and other animal feeds were adding to the costs of running ranches and farms, even as the prices that the cattlemen received when they sold their young steers and heifers in the fall was staying too low to make money.

Ranchers began reading the economic message they were getting two years ago and reacted by reducing the size of their herds. Since then, a beef slaughter unprecedented

in the history of the United States has been under way.

In 1973, only 33 million animals were butchered. The number jumped to 36 million the following year, then to a record 40 million in each of the next two years. The total number of cattle in this country declined in 1976 by 4 million. More important than that, the country's cow herd—the "factory" that produces tomorrow's steers and heifers—has been drastically depleted.

In 1976, 10 million cows were killed, about twice as many as three years earlier. Most of them were ground up for hamburger meat.

Consumers have been the immediate benefactors of this massive slaughter. It has helped to hold down beef prices at a time when everything else seems to be going up.

Consumers ate up all the meat that came to market, but only after retail stores had set a price for it that was low enough to induce them to buy. Americans tend to spend a constant 2.5 per cent of their money for beef. When it is a good bargain they buy more, and when it is expensive they switch to other food, such as cheaper pork or chicken. With beef prices fairly reasonable in 1976, they ate a record 129 pounds per person, compared with 116 pounds four years earlier.

In effect, Americans are eating their way out of a huge surplus of beef.

Brownlee and ranchers such as him still have a fundamental faith in the laws of supply and demand. They figure that when less meat goes to market, prices should start to rise again and they can begin turning profits.

But nobody knows for sure when the losses will end in the cattle industry. If the prices of steak and hamburger rise too abruptly, consumers might switch to pork, poultry, or even spaghetti. That happened in the 1973 beef boycott, and it sent prices plummeting. If it happens again, it could signal a fundamental change in the American diet.

Americans have eaten a steadily increasing amount of beef since 1920, but there are at least some signs that the trend is ending. If it is, cattlemen could be in for some further unpleasant shocks.

In the 90 years since settlers moved into this valley the grassy ranges have been fenced, a railroad spur has been driven through from Wyoming, and oil and coal companies have dug wells and opened surface mines. But cattle is still a mainstay of the economy.

At Brownlee's Bar-Slash-Bar ranch, the cycle of breeding and birth sets the agenda for the farm work. The 550 cows in the herd will have their calves in April. Brownlee, Geers and a hired hand will take up a 24-hour vigil then, checking on the mothers and calves and scaring off intruding coyotes with spotlights. It costs about $176 to keep one of the cows for a year. That is money down the drain when a young calf dies or is killed.

In August, the father and son-in-law will become cowboys, riding horses to round up cows and head them back to the pens around the barns for artificial insemination with bull semen.

They will also turn bulls loose in the herd as a failsafe measure in case the artificial breeding doesn't work. They are no second chances for cows. If they fail to get pregnant, they are sent to the packing house.

This same breeding cycle also imposes a rigid, economic framework on the rancher's operations.

In a few months, Brownlee will be making decisions that could have financial repercussions in 1980.

This fall, Brownlee will decide how many of this spring's calves to keep as replacements for old cows sold for hamburger. These heifers won't be bred until the summer of 1978. They will calve in the spring of 1979, and the steers or heifers they produce won't be ready for slaughter until mid-1980. Only then will Brownlee get a return, unless he decides to sell the animals when they are younger.

Brownlee finds himself locked into such a cycle now. He figures he needed to get 65 cents a pound for the 450-pound steer calves he was ready to sell last December. But the best offer he got was 36 cents a pound. Rather than lose money, he decided to place them in a fattening yard in Greeley, Colo. He says he needs 45 cents a pound for the fattened animals. But packinghouses were paying under 40 cents in late January.

Last fall he lost $26 a head on the full-grown animals he sold to a packinghouse. At some periods in the last three years, cattlemen have lost as much as $100 a head, according to the U.S. Department of Agriculture.

The atmosphere was all gloom at a weekly cattle auction at the Greeley Producers Public Stockyards in January.

Standing in front of a big sign that said "Enjoy Beef Everyday," a professional auctioneer called out asking prices and offers to rows of overalled cattlemen, as a cowboy cracked a whip and drove the animals into a sawdust covered corral. When the animals got rambunctious, cowboys in the corral stepped behind wooden barriers.

Tom Nix, a 61-year-old farmer from Eaton, Colo., sold 35 steers to another farmer, Don Anderson. Nix had bought the animals in September and "grained them," fed them corn for the last month, waiting for cattle prices to start up. But he had grown tired of waiting.

"I don't know how he (Anderson) can buy 'em and still expect to make money," he said.

The government doesn't have any exact estimates of the cattlemen's losses, but bankers say they are in the billions of dollars. The cattle industry is stretched financially to the breaking point.

Denver banker Ron Hays says the debts of ranchers and cattle fatteners are "staggering," because they have acquired huge long-term mortgages from banks to cover the costs of their losing operations.

Hays said that because of the great demand for money insurance companies such as Prudential, Connecticut General and Connecticut Mutual have moved aggressively into agricultural lending in the West, using land as collateral.

There have been few actual foreclosures of the kind that swept the West after the 1930's Depression. However, many hard-pressed cattlemen have had to raise money to keep operating by putting first and second mortgages on their property. This has been possible only because land values have risen rapidly.

The rising land values have provided a safety net for the western cattlemen. East of the Rocky Mountains, in Colorado, South Dakota, Oklahoma and Texas, undeveloped pastureland that can be irrigated for crops has jumped in price from around $150 an acre to nearly $1,000.

Inflation, climate, and population growth have played a part in rising western land values, but so has the increased return on crops such as wheat and corn after 1972.

Thousands of acres of grasslands have been switched to crops as prices of those grains rose.

The equation of land, crops and cattle does not seem to be working to the long-range advantage of consumers. At some point, beef prices will have to reflect the price of the land on which the cattle are raised. If they do not, farmers and ranchers will find other uses for their valuable real estate. That can only mean less beef at higher prices.

SENATE—*Tuesday, February 1, 1977*

(Legislative day of Wednesday, January 19, 1977)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by Hon. DALE BUMPERS, a Senator from the State of Arkansas.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Let us pray.

Almighty God, our help in ages past, our hope in time of trouble, bind together the people and the leaders of this Nation, heart to heart, mind to mind, soul to soul, that being united in purpose we may concert our best efforts to alleviate suffering, to heal the sick, and to take such measures as will lead to a better life for all in the years to come.

In this Chamber give us the assurance of Thy presence, not only in the time of prayer, but in our work moment by moment. Keep us from being driven by deadlines to do the wrong thing. But when we know what we ought to do, move us to do it promptly. Grant to each of us the quiet mind, the unobstructed will, the untroubled heart which is at peace with Thee.

In Thy holy name we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., February 1, 1977.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. DALE BUMPERS, a Senator from the State of Arkansas, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. BUMPERS thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Monday, January 31, 1977, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.